

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: BABY FOOD PRODUCTS LIABILITY LITIGATION

Case No. 24-MD-3101-JSC

MDL 3101

This document relates to:

Hon. Jacqueline Scott Corley

ALL ACTIONS

FIRST AMENDED MASTER LONG-FORM COMPLAINT

DEMAND FOR JURY

Plaintiffs in those cases consolidated and filed into this Multi-District Litigation (“MDL”) submit this First Amended Master Long-Form Complaint (“Complaint”) against the below-named Defendants. Plaintiffs seek equitable relief, monetary restitution, and/or compensatory and punitive damages. Plaintiffs make the following allegations based upon personal knowledge and information and belief, as well as the investigation carried out by Plaintiffs’ Lead Counsel, Plaintiffs’ Steering Committee, and Plaintiffs’ Liaison Counsel.

This Complaint does not constitute a waiver or dismissal of any claims asserted in individual actions, and Plaintiffs reserve the right to amend this Complaint based upon newly discovered facts and/or evidence.

The purpose of this Complaint is to provide general allegations as they apply to each Defendant, which can then be adopted in part or in whole by individual Plaintiffs filing Short-Form Complaints. This Complaint in addition to a filed Short Form Complaint, constitute each Plaintiffs' pleading under Fed. R. Civ. P. 3.

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1 INTRODUCTION

2 1. Defendants *knowingly* sold baby food products contaminated with lead, arsenic,
3 mercury, cadmium, and aluminum (collectively “Toxic Heavy Metals”). They did this knowing that
4 Toxic Heavy Metals, when consumed by babies, are known to cause brain damage and
5 neurodevelopmental harm. Thus, to the extent Defendants sold baby food that contained detectable
6 amounts of Toxic Heavy Metals (collectively “Contaminated Baby Food”) those products were
7 defective in their manufacture, design, and labeling. Babies are the most vulnerable segment of the
8 population, and they rely on that food for healthy neurodevelopment. Defendants justify this callous
9 disregard for the welfare of babies because, until recently, there were no regulations governing the
10 presence of Toxic Heavy Metals in baby foods—and, because there were no regulations, they were
11 free to do as they pleased.

12 2. These lawsuits aim to stop Defendants from poisoning infants with Contaminated
13 Baby Food. Baby food *should* be safe. It should *not* be contaminated with Toxic Heavy Metals.
14 Period. By sourcing ingredients from farms that have non-detectable levels of heavy metal (using
15 sufficiently sensitive testing), avoiding certain ingredients all together, and systematically testing and
16 screening finished products for Toxic Heavy Metals *before* the foods are released for consumption,
17 these Defendants would be able to provide baby food products free of detectable levels of Toxic
18 Heavy Metals. And, if some levels are truly unavoidable, or if Defendants believe the identified
19 levels are safe, then, at the very least, Defendants must warn parents/guardians/caregivers about the
20 presence of these Toxic Heavy Metals so they can make informed decisions about what they are
21 feeding their baby. Anything short of proper design, manufacture, and warning, is unacceptable—
22 especially for an industry that touts itself as providing the most important sources of
23 neurodevelopment for the most vulnerable population of society.

24 3. Plaintiffs, here, are all children that live with brain injuries and neurodevelopmental
25 harm caused by exposure to the Defendants’ Contaminated Baby Food, which has manifested in
26 diagnoses of autism spectrum disorder (“ASD”) and/or attention deficit hyperactivity disorder
27 (“ADHD”). Their parents/guardians/caregivers were never warned that the Defendants’ food
28 contained Toxic Heavy Metals and, thus, were never able to make an informed decision about

1 whether to feed their babies Defendants Contaminated Baby Foods. The consequences are stark—
 2 there is an unprecedented epidemic of ASD and ADHD spreading throughout the American
 3 population, driven, in part, by the systematic neurodevelopmental poisoning of infants from these
 4 Defendants' Contaminated Baby Foods.

5. This case seeks to hold the Defendants accountable for their reprehensible conduct by
 6 compensating each Plaintiff harmed by the Defendants' Contaminated Baby Foods, and ensure each
 7 Defendant is punished to deter such conduct in the future.

8 PARTIES

9 I. Plaintiffs

10 5. Plaintiffs, each, are children who live with brain injuries and neurodevelopmental
 11 harm caused by exposure to the Defendants' Contaminated Baby Food, which has manifested in a
 12 diagnosis of ASD and/or ADHD.

13 6. Plaintiffs allege that as a direct and proximate result of each Plaintiff's exposure to
 14 Toxic Heavy Metals from consumption of Defendants' Contaminated Baby Foods, they suffered
 15 significant harm, conscious pain and suffering, physical injury and bodily impairment including, but
 16 not limited to, brain injury manifesting as the neurodevelopmental disorders ASD and/or ADHD,
 17 other permanent physical deficits, permanent bodily impairment, and other *sequelae*. Plaintiffs'
 18 injuries required medical intervention to address the adverse neurological effects and damage caused
 19 by exposure to Toxic Heavy Metals in Defendants' Contaminated Baby Foods. Additionally, each
 20 Plaintiff has suffered severe mental and physical pain, including but not limited to, pain, mental
 21 suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief,
 22 anxiety, humiliation, and emotional distress and have and will sustain such injuries, along with
 23 economic loss due to medical expenses and living-related expenses as a result of lifestyle changes,
 24 into the future, as determined by the Trier of Fact.

25 7. The product warnings for the Contaminated Baby Foods in effect during the time
 26 period Plaintiffs consumed the Contaminated Baby Foods were non-existent, vague, incomplete
 27 and/or otherwise inadequate, both substantively and graphically, to alert consumers to the presence of
 28 Toxic Heavy Metals in the Contaminated Baby Foods and/or the potentially severe health risks

1 associated with Toxic Heavy Metal exposure in babies. Thus, each Defendant did not provide
 2 adequate warnings to consumers including Plaintiffs, their parents, guardians and/or caregivers, and
 3 the general public about the presence of Toxic Heavy Metals in the Contaminated Baby Foods
 4 consumed by Plaintiffs and the potential risk of the serious adverse events associated with Toxic
 5 Heavy Metal exposure in infancy.

6 8. Had Plaintiffs or their parents/guardians/caregivers been adequately warned by the
 7 Defendants of the potential for exposure to Toxic Heavy Metals from consumption of Defendants'
 8 Baby Foods, and/or the potential for such exposure to result in harm, Plaintiffs, or their
 9 parents/guardians/caregivers would not have purchased, used and/or consumed Contaminated Baby
 10 Foods or would have taken other steps to potentially mitigate the harm caused by exposing a baby to
 11 Toxic Heavy Metals.

12 **II. Defendants**

13 9. The following are the Defendants listed in this Complaint. These Defendants can be
 14 named or not named by individual Plaintiffs in their Short Form Complaint, and the omission of a
 15 Defendant here does not preclude the addition of other Defendants within a Short Form Complaint.¹

16 In alphabetical order:

- 17 1. Beech-Nut Nutrition Company (“Beech-Nut”)
- 18 2. The Campbell’s Company (“Campbell”)
- 19 3. Danone North America, PBC (“Danone North America”)
- 20 4. Danone Nutricia Nederland BV (“Danone Early Life Nutrition” or “Danone ELN”)
- 21 5. Gerber Products Company (“Gerber”)
- 22 6. Hain Celestial Group, Inc. (“Hain”)
- 23 7. Neptune Wellness Solutions (“Neptune”)

24
 25 ¹ Plaintiffs’ original Master Complaint also named Danone S.A., the ultimate corporate parent of
 26 Nurture; Hero A.G., the ultimate corporate parent of Beech-Nut; and Nestle S.A., the ultimate
 27 corporate parent of Gerber. The Court has dismissed those entities from this MDL. And in keeping
 28 with that decision, this Master Complaint does not name those entities as Defendants. Plaintiffs
 maintain that their prior allegations, as well as the information discovered to date in this MDL and
 in concurrent state-court litigation, suffice to state a claim and to establish jurisdiction over these
 entities, and Plaintiffs reserve all rights to litigate that issue at the appropriate juncture.

- 1 8. Nestlé USA, Inc. (“Nestlé USA”)
- 2 9. Nestlé Enterprises S.A. (“Nestle Enterprises”)
- 3 10. Société des Produits Nestlé S.A. (“SPN”)
- 4 11. Nurture, LLC (“Nurture”)
- 5 12. Plum, PBC (“Plum”)
- 6 13. Sprout Foods, Inc. (“Sprout”)
- 7 14. Sun-Maid Growers of California (“Sun-Maid”)
- 8 15. Walmart, Inc. (“Walmart”)

9 **A. Beech-Nut**

10 10. Defendant Beech-Nut Nutrition Company (“Beech-Nut”) is a citizen of Delaware and
 11 New York with its principal place of business located at 1 Nutritious Pl., Amsterdam, New York
 12 12010. Beech-Nut branded baby foods aim at infants 4+ months up to 12+ months and include a
 13 variety of cereals, “jars,” and “pouches” for these age groups. At all relevant times, Beech-Nut has
 14 conducted business and derived substantial revenue from its manufacturing, advertising, distributing,
 15 selling, and marketing of Baby Foods within this judicial district and throughout the United States.

16 11. Beech-Nut is wholly owned by Hero A.G., aka Hero Group (“Hero Group”), a citizen
 17 of Switzerland, with its principal place of business located at Karl Roth-Strasse 8, 5600, Lenzburg,
 18 Switzerland. The relationship between Beech-Nut and Hero Group was formed in 2005. Prior to
 19 that, starting in 1998, Beech-Nut was owned and operated by the Milnot Holding Corporation, and
 20 prior to that, starting in 1989, Beech-Nut was owned and operated by Ralston Purina, and prior that,
 21 starting in 1979, Beech-Nut was owned and operated by Nestlé.

22 12. On information and belief, other Hero Group entities were directly involved in the
 23 content and quality of the Beech-Nut Baby Foods at issue, including decisions and actions related to
 24 sourcing ingredients, setting limits for Toxic Heavy Metals, and testing for Toxic Heavy Metals.
 25 Information discovered to date in this litigation and concurrent state-court litigation indicates that
 26 Beech-Nut undertook the tortious conduct alleged herein at the direction of or in tandem with Hero
 27 Group entities, but discovery has not enabled Plaintiffs to specifically identify all relevant Hero
 28 Group entities within the complex corporate chain. Plaintiffs reserve all rights to pursue claims

1 against additional Hero Group entities that further discovery may reveal.

2 13. For the purposes of this Complaint, allegations related to Beech-Nut apply equally to
 3 any responsible Hero Group entities, as each Defendant exercised authority and control over the sale,
 4 manufacture, and distribution of Beech-Nut's Contaminated Baby Foods at issue in this MDL.

5 **B. Gerber**

6 14. Defendant Gerber Products Company ("Gerber") is a citizen of Michigan and Virginia
 7 with its principal place of business located at 1812 N. Moore Street, Arlington, Virginia 22209.
 8 Gerber sells Baby Foods under the brand name Gerber. Gerber organizes its products into broad
 9 categories of "formula," "baby cereal," "baby food," "snacks," "meals & sides," "beverages," and
 10 "organic." At all relevant times, Gerber has conducted business and derived substantial revenue from
 11 its manufacturing, labeling, advertising, distributing, selling, and marketing of Baby Foods within
 12 this judicial district and throughout the United States. Gerber is a wholly owned subsidiary of and is
 13 directly controlled by Nestlé Holdings, Inc.

14 15. Gerber is part of the Nestlé family of companies ultimately owned by Nestlé S.A.
 15 ("Nestlé"), a citizen of Switzerland, with its principal place of business located at Avenue Nestlé 55,
 16 1800 Vevey, Switzerland. Nestlé is a global food and beverage company with more than 2,000
 17 brands. Nestlé sells baby foods under its subsidiary, Gerber, a wholly owned subsidiary of Nestlé
 18 Holdings, Inc. ("NHI"), a citizen of Delaware and Virginia with its principal place of business
 19 located at 1812 N. Moore Street, Arlington, Virginia 22209, which is in turn a wholly owned
 20 subsidiary of Nestlé S.A.

21 16. The relationship between Gerber, NHI, and Nestlé was formed in 2007. Prior to that,
 22 starting in 1994, Gerber was owned and operated by Novartis, one of the largest pharmaceutical
 23 companies in the world. However, in 2007, Gerber was sold to Nestlé for \$5.5 billion.

24 17. Along with Gerber, other Nestlé entities were directly involved in the content and
 25 quality of the Gerber Baby Foods at issue, including decisions and actions related to sourcing
 26 ingredients, setting limits for Toxic Heavy Metals, and testing for Toxic Heavy Metals.

27 18. Nestlé USA, Inc. ("Nestle USA"), a wholly owned subsidiary of Nestlé S.A., is a
 28 Delaware corporation with its headquarters located at 1812 North Moore Street, Arlington, Virginia

1 22209. First incorporated in 1920, Nestlé USA has approximately 36,000 employees and is the
2 parent company of Gerber Products Company.

3 19. Nestlé USA employees were decision makers about the safety of Gerber Baby Foods
4 and ingredients, including the amount of Toxic Heavy Metals in those foods. Nestlé USA was
5 responsible for testing Gerber's Baby Food products for heavy metals at its Nestlé Quality Assurance
6 Center in Solon, Ohio. Because Baby Food products that contain rice typically have the highest
7 Toxic Heavy Metal levels, *where* the rice is procured/sourced greatly impacts the safety of the
8 finished products. Nestlé USA was aware of rice's impact on Toxic Heavy Metals levels and was
9 responsible for procuring the rice for Gerber's Baby Food products. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 20. Nestlé USA was further involved in consumer messaging regarding the safety of
22 Gerber's Baby Food. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] to heavy metals.

7 21. Defendant Nestlé Enterprises S.A., a wholly owned subsidiary of Nestlé S.A., is a
8 citizen of Switzerland with a principal place of business located at Avenue Nestlé 55, 1800 Vevey,
9 Switzerland. Founded in 1999, Nestlé Enterprises S.A. has approximately 1,000 employees. Nestlé
10 Enterprises S.A. controlled the safety of Gerber Baby Foods, including the levels of Toxic Heavy
11 Metals in those foods. [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

28 22. Defendant Société des Produits Nestlé S.A. (“SPN”), a wholly owned subsidiary of

1 Nestlé S.A., is a citizen of Switzerland with a principal place of business located at Avenue Nestlé
2 55, 1800 Vevey, Switzerland. SPN was founded in 1936 and has approximately 2,500 employees.
3 Gerber's litigation productions to date demonstrate that SPN employees were also decision makers
4 regarding the amount of Toxic Heavy Metals in Gerber Baby Foods. [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 23. On information and belief, other Nestlé entities were directly involved in the content
18 and quality of the Gerber Baby Foods at issue, including decisions and actions related to sourcing
19 ingredients, setting limits for Toxic Heavy Metals, and testing for Toxic Heavy Metals. Information
20 discovered to date in this litigation and concurrent state-court litigation indicates that Gerber
21 undertook the tortious conduct alleged herein at the direction of or in tandem with Nestlé entities, but
22 discovery has not enabled Plaintiffs to specifically identify *all* relevant Nestlé entities within the
23 complex corporate chain. Plaintiffs reserve all rights to pursue claims against additional Nestlé
24 entities that further discovery may reveal.

25 24. For the purposes of this Complaint, unless specifically stated otherwise, Nestlé USA,
26 Nestlé Enterprises S.A., SPN, and any other responsible Nestlé entities shall be collectively referred
27 to as "Nestlé entities." Further, allegations related to Gerber apply equally to these Nestlé entities, as
28 each Defendant exercised authority and control over the sale, manufacture, and distribution of

1 Gerber's Contaminated Baby Foods at issue in this MDL. At all relevant times, the named Nestlé
 2 entities have conducted business and derived substantial revenue from the manufacturing,
 3 advertising, distributing, selling, and marketing of Baby Foods within this judicial district and
 4 throughout the United States.

5 **C. Hain**

6 25. The Hain Celestial Group, Inc. ("Hain") is a citizen of Delaware and New York with
 7 its principal place of business located at 1111 Marcus Ave., Lake Success, New York 11042. Hain
 8 sells baby foods under the brand name Earth's Best Organics. Hain offers infant and baby formula
 9 and foods as well as toddler foods covering products from "organic infant cereal" to "organic snacks
 10 for toddlers and kids on the go." At all relevant times, Hain has conducted business and derived
 11 substantial revenue from its manufacturing, advertising, distributing, selling, and marketing of Baby
 12 Foods within this judicial district and throughout the United States.

13 **D. Nurture**

14 26. Defendant Nurture, LLC ("Nurture") is a citizen of Delaware and New York with its
 15 principal place of business located at 40 Fulton St., 17th Floor, New York, New York 10038-1850.
 16 Nurture does business as (i.e., dba) "Happy Family Organics" and sells baby foods under the brands
 17 Happy Baby, Happy Tot, and Happy Family. Nurture classifies its Happy Baby range of products
 18 according to three categories: "baby," "tot," and "mama." The "baby" category is comprised of
 19 foods, including "starting solids," intended for age groups 0-7+ months, the "tot" category covers
 20 12+ months, and "mama" includes infant formulas for newborn babies. At all relevant times, Nurture
 21 has conducted business and derived substantial revenue from its manufacturing, advertising,
 22 distributing, selling, and marketing of baby foods within this judicial district and throughout the
 23 United States.

24 27. Nurture was founded in 2003 by Shazi Visram, started selling baby food products in
 25 2006, and was acquired in May 2013 by Danone S.A. ("Danone"), a citizen of France, with its
 26 principal place of business located at 17 Boulevard Haussmann, 75009 Paris, France. Danone is a
 27 global food and beverage company built on four businesses: Essential Dairy and Plant-Based
 28 Products, Waters, Early Life Nutrition, and Medical Nutrition. Danone sells products in over 120

1 markets. As of 2023, Danone generated sales of 27.6 billion euros, with 6.9 billion in sales in North
2 America and 8.5 billion in sales attributable to Specialized Nutrition, which includes Early Life
3 Nutrition. Danone sells baby food through its subsidiary, Nurture. Upon information and belief,
4 Happy Family Holding Company LLC is the only member of Nurture LLC. Danone US, LLC is the
5 sole member of Happy Family Holding Company LLC. Danone US, Inc. is the sole member of
6 Danone US, LLC. Danone US, Inc. is a corporation organized under the laws of Delaware with its
7 principal place of business in New York. Danone S.A. owns 100% of Danone US, Inc. Prior to 2022,
8 Nurture was incorporated under Delaware law as Nurture, Inc., of which 100% of all stock was
9 owned by Danone.

10 28. Along with Nurture, other Danone entities were directly involved in the content and
11 quality of the Nurture Baby Foods at issue, including decisions and actions related to sourcing
12 ingredients, setting limits for Toxic Heavy Metals, and testing for Toxic Heavy Metals.

13 29. Defendant Danone North America, PBC, is a citizen of Delaware with its principal
14 places of business at 1 Maple Ave, 3rd Floor, White Plains, NY 10605, and 1900 Cherry St.
15 Louisville, CO 80027.

16 30. The Danone North America quality and food safety department oversees all Danone
17 North America Brands, including Nurture. Accordingly, all of Nurture's quality and food safety
18 personnel are Danone North America personnel. Among other things, this department audits and
19 manages Nurture products produced at contract manufacturers. Ultimately, the safety of Nurture's
20 food is the responsibility of Danone North America's Quality and Food Safety Department.

21 31. Many of Nurture's managing officers are Danone North America employees who are
22 directly supervised by other Danone North America employees. Nurture's Director of Product
23 Development, Magdelena Bartosik, whose responsibilities include selecting the ingredients to be used
24 in Nurture's baby food products, reports directly to Danone North America's Vice President of
25 Research and Innovation. The current head of Nurture's Quality and Food Safety team, Rebecca
26 Beaudin, is a Danone North America employee. David Maltese, who manages Nurture's
27 relationships with third-party manufacturers, is a Danone North America employee. [REDACTED]
28 [REDACTED]

1 [REDACTED]. Because Nurture does not manufacture any of its own food, all food is
2 sourced from third-party manufacturers, Mr. Maltese's management of those third-party
3 manufacturers is particularly impactful at Nurture with respect to the safety of its products. Danone
4 North America also intervened in sourcing Nurture ingredients. [REDACTED]

5 [REDACTED]

6 32. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 33. Defendant Danone Nutricia Nederland BV ("Danone Early Life Nutrition" or
10 "Danone ELN") is a citizen of the Netherlands with its principal place of business located at
11 Einsteinlaan 20, 2719 EP, Zoetermeer. As of 2023, Danone ELN employed 208 full-time workers.

12 34. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 35. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 36. On information and belief, other Danone entities were directly involved in the content
28 and quality of the Nurture Baby Foods at issue, including decisions and actions related to sourcing

1 ingredients, setting limits for Toxic Heavy Metals, and testing for Toxic Heavy Metals. Information
 2 discovered to date in this litigation and concurrent state-court litigation indicates that Nurture
 3 undertook the tortious conduct alleged herein at the direction of or in tandem with Danone entities,
 4 but discovery has not enabled Plaintiffs to specifically identify *all* relevant Danone entities within the
 5 complex corporate chain. Plaintiffs reserve all rights to pursue claims against additional Danone
 6 entities that further discovery may reveal.

7 37. For the purposes of this Complaint, unless specifically stated otherwise, Danone North
 8 America, Danone ELN, and any other responsible Danone entities shall be collectively referred to as
 9 “Danone entities.” Further, allegations related to Nurture or Happy Family/Happy Baby apply
 10 equally to these Danone entities, as each Defendant exercised authority and control over the sale,
 11 manufacture, and distribution of Nurture’s Contaminated Baby Foods at issue in this MDL. At all
 12 relevant times, the named Danone entities have conducted business and derived substantial revenue
 13 from the manufacturing, advertising, distributing, selling, and marketing of Baby Foods within this
 14 judicial district and throughout the United States.

15 **E. Plum**

16 38. Defendant Plum, PBC (“Plum”) is a citizen of Delaware and California with its
 17 principal place of business located at 6795 N. Palm Ave., 2nd Floor, Fresno, California 93704. Plum
 18 sells Baby Foods under the brand name “Plum Organics” and has done so since 2007. Starting
 19 June 12, 2013, and until May 3, 2021, Plum was directly controlled and owned by Defendant
 20 Campbell. Plum’s products are divided into groups according to the targeted infant or toddler age
 21 and/or type of food product. For example, there are five groups designated for the youngest infants:
 22 Stage 1 (4+ months old), Stage 2 (6+ months old), Stage 3 (6+ months old), “Super Puffs,” and
 23 “Little Teethers.” At all relevant times, Plum has conducted business and derived substantial revenue
 24 from its manufacturing, advertising, distributing, selling, and marketing of baby foods within this
 25 judicial district and throughout the United States.

26 39. Defendant The Campbell’s Company (“Campbell”) is a Citizen of New Jersey with its
 27 principal place of business located at One Campbell Pl., Camden, New Jersey 08103. Campbell sells
 28 food and beverages and was the parent company of Plum until May 3, 2021, wherein Campbell sold

1 Plum to Defendant Sun-Maid, a few months after the first heavy metal lawsuits were filed. Campbell
2 sold baby food under the brand name Plum Organics through Plum. Once Campbell acquired Plum,
3 Campbell's logo appeared on Plum products. Indeed, many of the scientists and researchers that
4 monitored the safety of Toxic Heavy Metals in Plum's baby foods were directly employed by
5 Campbell or were directly controlled and trained by Campbell agents and employees. For example, it
6 was Campbell's attorneys that responded to Congressional inquiries about heavy metals in Plum baby
7 foods in 2019.

8 40. When it came time for the plaintiffs in state-court litigation to depose the "persons
9 most qualified" to discuss various elements of Plum's baby food products—including testing policies
10 and procedures, formulas, health hazards, marketing, and regulatory matters—many of the people
11 who testified for Plum were Campbell officers and employees. These included Tracy Hicks, a
12 Campbell Manager for Global Analytical Chemistry and Senior Manager for Chemical Safety, [REDACTED]
13 [REDACTED]
14 [REDACTED]; Christina Strapp, who served as Campbell's group Manager for the Plum brand, [REDACTED]
15 [REDACTED]; Annalisa Fornarelli, Campbell's
16 Vice President of Food Safety and Quality, [REDACTED]
17 [REDACTED];
18 and Jade Chong, Campbell's Director of Regulatory Affairs, [REDACTED].

19 41. These witnesses were employed exclusively by Campbell, and they detailed
20 Campbell's involvement in the content and quality of Plum's Baby Foods. Among other things, they
21 confirmed that Campbell initiated and directed the heavy metal testing for Plum products—and that it
22 did so only as a response to public reports of the heavy metals in those products. Other Campbell
23 employees corroborated this account, including Timothy Spitzenberger, Campbell's Principal
24 Scientist for Food Safety. Although employed by Campbell, [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED] Another Campbell employee, Steve DeMuri, [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 42. Campbell similarly confirmed its control over the Plum brand to Congress. In
8 response to Congress's inquiries about the Toxic Heavy Metals in Plum Baby Foods, Campbell
9 stated, among other things, [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 43. Campbell exercised control over Plum's baby food selling in the United States until
15 May 3, 2021. At all relevant times, Campbell conducted business and derived substantial revenues
16 from its manufacturing, advertising, distributing, selling, and marketing of baby foods within this
17 judicial district and throughout the United States.

18 44. Defendant Sun-Maid Growers of California ("Sun-Maid") is a citizen of California
19 with its principal place of business located at 6795 N. Palm Ave., Fresno, California 93711. Sun-
20 Maid sold baby food through Plum, starting on May 3, 2021. Sun-Maid acquired Plum from
21 Campbell on May 3, 2021. Sun-Maid has since been directly involved with all aspects of the safety
22 and testing of Plum's baby food products, as evidenced by the fact that metal testing is paid for
23 directly and sent directly to Sun-Maid's scientists and executives, not directly to Plum. On
24 information and belief, Plum did not develop for itself all the functions handled by Campbell upon
25 Plum's sale to Sun-Maid. Rather, all major executive functions related to Plum's operation were
26 specifically transitioned from Campbell to Sun-Maid, including, on information and belief, the
27 above-described responsibilities over sourcing, testing, and setting heavy-metal limits for Plum Baby
28 Foods. [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 45. Like Campbell, Sun-Maid has exercised and continues to exercise direct control over
4 the manufacture, sale, and distribution of all Plum baby foods since May 3, 2021. At all relevant
5 times, Sun-Maid conducted business and derived substantial revenue from its manufacturing,
6 advertising, distributing, selling, and marketing of Baby Foods within this judicial district.

7 46. For the purposes of this Complaint, allegations related to Plum between 2013 and May
8 3, 2021 apply equally to Campbell, unless otherwise specified, and allegations related to Plum after
9 May 3, 2021 apply equally to Sun-Maid, as each Defendant exercised authority and control over the
10 sale, manufacture, and distribution of Plum's Contaminated Baby Foods at issue in this MDL.

11 **F. Sprout**

12 47. Defendant Sprout Foods, Inc. ("Sprout") is a citizen of Delaware and New Jersey with
13 its principal place of business located at 50 Chestnut Ridge Rd, Montvale, New Jersey 07645. Sprout
14 sells Baby Foods under the brand name Sprout Organic Foods. Sprout organizes its Baby Foods
15 selection according to three categories: Stage 2 (6 months+); Stage 3 (8 months+); and Toddler.
16 Sprout was founded in 2008 and was sold to Defendant Neptune Wellness Solutions in February
17 2021. Since Neptune acquired Sprout, it has exercised managerial control over the company, and
18 thus has exercised direct control over the sale of Sprout baby food since that time. At all relevant
19 times, Sprout has conducted business and derived substantial revenue from its manufacturing,
20 advertising, distributing, selling, and marketing of Baby Foods within the United States.

21 48. Defendant Neptune Wellness Solutions, Inc. ("Neptune") is a citizen of Florida and
22 Canada, with its primary place of business in the United States located at 1044 N. US Highway 1 -
23 Suite 101, Jupiter, Florida 33477. Neptune has sold baby food through its controlled subsidiary,
24 Sprout, since February 2021. Neptune has exercised control over Sprout's baby food selling, and has
25 been directly involved with all aspects of food safety testing and specification setting for Sprout's
26 baby foods. Neptune also appears to have dictated all public relations and public facing actions by
27 Sprout since the lawsuits related to Contaminated Baby Foods were filed. Neptune, thus, has been
28 directly involved in the tortious conduct in the United States and its various states that gives rise to

1 these lawsuits. At all relevant times, Neptune conducted business and derived substantial revenues
 2 from its manufacturing, advertising, distributing, selling, and marketing of baby foods within this
 3 judicial district and throughout the United States.

4 49. For the purposes of this Complaint, allegations related to Sprout after February 2021
 5 apply equally to Neptune, unless otherwise specified, as each Defendant exercised authority and
 6 control over the sale, manufacture, and distribution of Sprout's Contaminated Baby Foods at issue in
 7 this MDL.

8 **G. Walmart**

9 50. Defendant Walmart, Inc. ("Walmart") is a citizen of Delaware and Arkansas with its
 10 principal place of business located at 702 S.W. 8th St. Bentonville, Arkansas 72716. Walmart sells
 11 Baby Foods under the private label brand "Parent's Choice." The foods are manufactured by co-
 12 manufacturers, but are sold under Walmart's private label using Walmart's name. Walmart's
 13 Parent's Choice offers a wide selection of baby foods ranging from "sweet potatoes & corn" to
 14 "toddler cookies" and "yogurt bites". At all relevant times, Walmart has conducted business and
 15 derived substantial revenue from its manufacturing, advertising, distributing, selling, and marketing
 16 of Baby Foods within this judicial district and throughout the United States.

17 **JURISDICTION AND VENUE**

18 51. As an MDL transferee court, this Court has subject matter and personal jurisdiction to
 19 the same extent as the respective transferee courts do. In general, federal courts have subject matter
 20 jurisdiction over each of the actions under 28 U.S.C. § 1332(d) because Plaintiffs are citizens of
 21 states other than states where Defendants are citizens. In addition, each Plaintiff seeks damages in
 22 excess of \$75,000, exclusive of interest and costs. However, this complaint does not purport to
 23 establish or refute subject matter jurisdiction in any given individual's case.

24 52. This Court has personal jurisdiction over Defendants because their significant contacts
 25 related to this litigation in each State makes personal jurisdiction proper over any of them.

26 53. In particular, this Court has personal jurisdiction over Defendants for cases filed in
 27 this District insofar as Defendants are authorized and licensed to conduct business in the State of
 28 California, maintain and carry on systematic and continuous contacts in this judicial district, regularly

transact business within this judicial district, and regularly avail themselves of the benefits of this judicial district.

54. Additionally, Defendants caused tortious injury by acts and omissions in this judicial district and caused tortious injury in this district by acts and omissions outside this district while regularly doing and soliciting business, engaging in a persistent course of conduct, and deriving substantial revenue from goods used or consumed and services rendered in this judicial district.

55. Venue is proper in this District for pretrial purposes for all cases because this litigation was centralized here under 28 U.S.C. § 1407.

56. Venue is proper in this District under 28 U.S.C. § 1391(a) for cases filed here because a substantial part of the events and omissions giving rise to those Plaintiffs' claims occurred in this district.

57. The Defendant Danone entities, Nestlé entities, and Neptune are subject to personal jurisdiction in the relevant judicial districts insofar as they are authorized and licensed to conduct business in their respective states. Additionally, these Defendants maintain and carry on systematic and continuous contacts in these judicial districts, regularly transact business within these districts, and regularly avail themselves of the benefits of these districts. These Defendants caused tortious injury by acts and omissions in these judicial districts and by acts and omissions outside these districts while regularly doing and soliciting business, engaging in a persistent course of conduct, and deriving substantial revenue from goods used or consumed and services rendered in these districts.

FACTUAL ALLEGATIONS

I. Rising Concerns Regarding the Presence of Toxic Heavy Metals in Baby Foods

58. In October 2019, an alliance of nonprofit organizations, scientists and donors named “Happy Babies Bright Futures” (“HBBF”), dedicated to designing and implementing “outcomes-based programs to measurably reduce babies’ exposures to toxic chemicals,” published a report investigating the presence of Toxic Heavy Metals in baby foods. The HBBF Report tested 168 different baby foods sold on the U.S. market and concluded that “[n]inety-five percent of baby foods tested were contaminated with one or more of four toxic heavy metals—arsenic, lead, cadmium and mercury. All but nine of 168 baby foods contained at least one metal; most contained more than

1 one.” Specifically, the HBBF report identified “puffs and other snacks made with rice flour,”
 2 “[t]eething biscuits and rice rusks,” “infant rice cereal,” “apple, pear, grape and other fruit juices,”
 3 and “carrots and sweet potatoes” manufactured by the Defendants as particularly high in Toxic
 4 Heavy Metals.

5 59. The results of the HBBF report were consistent with that of the U.S. Food and Drug
 6 Administration (“FDA”) which had, in 2017, detected one or more of the four Toxic Heavy Metals in
 7 33 of 39 types of baby food tested. However, the HBBF reported that “[f]or 88 percent of baby foods
 8 tested by HBBF—148 of 168 baby foods—FDA has failed to set enforceable limits or issue guidance
 9 on maximum safe amounts.” The HBBF’s findings were by no means an outlier. Eight months prior
 10 to publication of the HBBF report, a study conducted by scientists at the University of Miami and the
 11 Clean Label Project “examined lead...concentrations in a large convenience sample of US baby
 12 foods.” The study detected lead in 37% of samples.

13 60. Moreover, earlier in 2017, HBBF commissioned a study to evaluate the presence of
 14 arsenic in infant rice cereal products sold in the U.S., and the potential risks to children’s
 15 neurodevelopment posed by contamination levels. The findings were concerning. The authors
 16 concluded that “exposures to arsenic from infant rice cereal approach or exceed existing health-based
 17 limits for arsenic levels...leaving little room for additional exposures from other dietary sources, such
 18 as snacks, apple juice, and drinking water...Our analyses of arsenic exposures from infant rice cereal
 19 during the first year of life suggest that these exposures are not insignificant, and may place infants at
 20 risk for adverse health effects.”

21 **II. Congressional Investigation Finds Substantial Presence of Heavy Metals in Baby Foods
 22 Manufactured and/or Sold by Defendants, Sparking National Outrage**

23 61. On February 4, 2021, and September 29, 2021, respectively, the U.S. House of
 24 Representatives’ Subcommittee on Economic and Consumer Policy, Committee on Oversight and
 25 Reform, published two reports detailing its findings that Toxic Heavy Metals—including lead,
 26 arsenic, mercury, and cadmium—were present in “significant levels” in numerous commercial Baby
 27 Food Products. Four companies—Hain, Gerber (Nestlé), Nurture (Danone), and Beech-Nut—
 28 produced internal testing policies, test results for ingredients and finished products, and

1 documentation about what the companies did with ingredients and/or finished products that exceeded
2 their internal testing limits. Three companies—Plum (Campbell), Walmart, and Sprout—initially
3 refused to cooperate.

4 62. Congress reported that the data submitted by the companies unequivocally revealed
5 that a substantial number of Defendants' finished products and/or ingredients used to manufacture the
6 Baby Foods are tainted with Toxic Heavy Metals, namely lead, arsenic, mercury, and cadmium.
7 And, where the Defendants did set internal limits for the amount of metals they allowed in their
8 foods, Defendants routinely flouted their own limits and sold foods that consistently tested above
9 their limits. Congress found the following:

10 63. **Beech-Nut.** Beech-Nut used ingredients after they tested as high as 913.4 ppb arsenic.
11 Beech-Nut routinely used high-arsenic additives that tested over 300 ppb arsenic to address product
12 characteristics such as “crumb softness.” On June 8, 2021, four months following the Congressional
13 findings, Beech-Nut issued a voluntary recall of its infant single grain rice cereal and exited the rice
14 cereal market completely. In its recall, Beech-Nut confirmed that its products exceed regulatory
15 arsenic limits. And, Beech-Nut used ingredients containing as much as 886.9 ppb lead, as well as
16 483 products that contained over 5 ppb lead, 89 that contained over 15 ppb lead, and 57 that
17 contained over 20 ppb lead. In its follow up Report in September 2021 Congress specifically focused
18 on Defendants Beech-Nut and Gerber’s infant rice cereals. Congress noted that Beech-Nut rice
19 cereal tested up to 125 ppb inorganic arsenic and averaged 85.47 ppb inorganic arsenic. Beech-Nut’s
20 practice of testing ingredients, rather than finished products, for toxic heavy metals appears to have
21 contributed to its failure to detect the dangerous inorganic arsenic levels in its recalled products.
22 Lastly, Beech-Nut does not even test for mercury in baby food.

23 64. **Gerber.** Gerber used high-arsenic ingredients, using 67 batches of rice flour that had
24 tested over 90 ppb inorganic arsenic. Gerber used ingredients that tested as high as 48 ppb lead; and
25 used many ingredients containing over 20 ppb lead. Gerber rarely tests for mercury in baby foods.
26 In the September 2021 follow-up Congressional report, it was revealed that Gerber’s rice cereal
27 tested up to 116 ppb inorganic arsenic, and their average rice cereal product contained 87.43 ppb
28 inorganic arsenic, which is even higher than the amount contained in Beech-Nut’s average rice cereal

1 product. While Beech-Nut recalled some of its products and completely discontinued sales of its rice
 2 cereal, Gerber and other Nestlé entities have taken no such actions to protect children.

3 **65. Hain (Earth's Best Organic).** Hain sold finished baby food products containing as
 4 much as 129 ppb inorganic arsenic. Hain typically only tested its ingredients, not finished products.
 5 Documents show that Hain used ingredients testing as high as 309 ppb arsenic. Hain used ingredients
 6 containing as much as 352 ppb lead. Hain used many ingredients with high lead content, including
 7 88 that tested over 20 ppb lead and six that tested over 200 ppb lead. And, Hain does not even test
 8 for mercury in its baby food. However, independent testing by HBBF of Hain's Baby Foods confirm
 9 that Hain's products contain as much as 2.4 ppb of mercury.

10 **66. Nurture (HappyBABY).** Submissions from Danone North America showed that
 11 Nurture sold baby foods after tests showed they contained as much as 180 ppb inorganic arsenic.
 12 Over 25% of the products Nurture tested before sale contained over 100 ppb inorganic arsenic.
 13 Nurture's testing shows that the typical baby food product it sold contained 60 ppb inorganic arsenic.
 14 Nurture sold finished baby food products that tested as high as 641 ppb lead. Almost 20% of the
 15 finished baby food products that Nurture tested contained over 10 ppb lead. Moreover, Nurture sold
 16 finished baby food products containing as much as 10 ppb mercury.

17 **67. Plum.** Plum, along with Campbell, refused to cooperate with the Congressional
 18 investigation. Instead of producing any substantive information, Campbell provided Congress with a
 19 self-serving spreadsheet declaring that every one of its products sold through Plum "meets criteria",
 20 while declining to state what those criteria were. Disturbingly, Campbell admitted that, for mercury
 21 (a powerful neurotoxin), Campbell and Plum have *no criterion* whatsoever, stating: "No specific
 22 threshold established because no high-risk ingredients are used." However, despite Campbell and
 23 Plum having no mercury threshold, Campbell and Plum still marked every food as "meets criteria"
 24 for mercury. Congress noted that "[t]his misleading framing—of meeting criteria that do not exist—
 25 raises questions about what [Plum's] other thresholds actually are, and whether they exist." This
 26 suspicion is confirmed by HBBF's independent testing which confirms the presence of Toxic Heavy
 27 Metals in Plum Baby Food, which found excess levels of lead, arsenic, and mercury in Plum's Just
 28 Sweet Potato Organic Baby Foods; Just Peaches Organic Baby Food; Just Prune Organic Baby Food;

1 Pumpkin Banana Papaya Cardamom; Apple, Raisin & Quiona Organic Baby Food; Little Teethers
 2 Organic Multigrain Teething Wafers-Banana with Pumpkin; and Mighty Morning Bar-Blueberry
 3 Lemon-Tots. Furthermore, as discussed further below, based upon information and belief, Plaintiffs
 4 submit that Campbell and Plum's pattern and practice of failing to test ingredients, willingly flouting
 5 their own internal standards, and selling products notwithstanding internal acknowledgement of their
 6 high metal content, follows that of the other Defendants discussed in this Complaint, and discovery
 7 here will further flesh out the extent of Campbell and Plum's culpable conduct.

8 **68. Sprout.** Sprout initially refused to cooperate with the House Subcommittee's
 9 investigation, and as such the Subcommittee stated that Sprout's failure to respond "raises serious
 10 concerns about the presence of toxic heavy metals in its baby foods." The Subcommittee noted that
 11 independent data from the HBBF Report confirmed that Sprout's baby foods are indeed tainted. For
 12 example, the HBBF Report observed that Sprout's Organic Quiona Puffs Baby Cereal Snack-Apple
 13 Kale contained 107 ppb total arsenic, 47 ppb inorganic arsenic, 39.3 ppb lead, and 41.5 ppb
 14 cadmium.

15 **69.** As outlined in the Subcommittee's Addendum Report, Sprout eventually provided a
 16 "handful of documents" to the Subcommittee, and the documents provided "displayed a lax approach
 17 to testing for toxic heavy metals in its baby food." Sprout relies on its ingredients suppliers to test
 18 their ingredients for toxic heavy metals and only asks the suppliers to test once a year. Upon
 19 information and belief, despite its representations to the Subcommittee, Sprout did not require its raw
 20 ingredient suppliers to provide yearly heavy metal test results prior to the Subcommittee's inquiry
 21 into the company. Sprout provided only 11 toxic heavy metal test results to the Subcommittee stating
 22 that "[b]ecause Sprout requires annual testing for heavy metals for its ingredients, rather than by lot,
 23 Sprout is unable to provide testing information for each lot as requested." The Subcommittee called
 24 this testing the "the most reckless among baby food sellers on the market."

25 **70. Walmart.** Walmart refused to cooperate with the House Subcommittee's
 26 investigation into its baby foods products, and as such, the Subcommittee was "greatly concerned"
 27 that Walmart "might be obscuring the presence of higher levels of toxic metals in their baby food
 28 products." The Subcommittee noted that independent data from the HBBF Report confirmed that

1 Walmart's baby foods are indeed tainted. For example, the HBBF Report observed that one of
2 Walmart's products contained 56.1 ppb total arsenic, and 26.1 ppb cadmium. Another product
3 contained 108 ppb total arsenic, 66 ppb inorganic arsenic, 26.9 ppb lead, and 2.05 ppb mercury.

4 71. Following the publication of the Subcommittee Report, Walmart provided documents
5 to the Subcommittee. On September 29, 2021, the House Subcommittee released a subsequent report
6 entitled "New Disclosures Show Dangerous Levels of Toxic Heavy Metals in Even More Baby
7 Foods." The Subcommittee report addendum described the documents from Walmart as "revealing a
8 concerning lack of attention to toxic heavy metal levels in baby food and an abandonment of its
9 previously more protective standards." Walmart does not appear to conduct any testing of its baby
10 food products. Walmart sets maximum arsenic and lead levels and asks the manufacturer of its
11 private label to self-certify, but Walmart does not appear to collect any test data or check the
12 accuracy of those certifications. Walmart does not require any mercury or cadmium testing and does
13 not set any standards for mercury or cadmium levels.

14 72. The metal concentrations discussed above and further below surpass the limits allowed
15 by U.S. regulatory agencies. There are no FDA final regulations governing the presence of Toxic
16 Heavy Metals in the majority of Baby Foods with the exception of 100 ppb inorganic arsenic in infant
17 rice cereal and some recently finalized limits for lead in certain baby food categories. To the extent
18 such regulations exist, the quantities of Toxic Heavy Metals in Defendants' Baby Foods exceed any
19 permissible FDA levels. To be sure, the FDA has set the maximum contaminant levels ("MCL") in
20 bottled water at 10 ppb inorganic arsenic, 5 ppb lead, and the EPA has capped the allowable level of
21 mercury in drinking water at 2 ppb. However, these limits were created in reference to *adult*
22 exposure, not infants. Compared to these thresholds, the test results of the Defendants' baby foods
23 and their ingredients are multiple folds greater than the permitted metal levels. They are also far
24 greater than permitted by the FDA's final guidance for lead, issued January 6, 2025, which sets limits
25 at 10 or 20 ppb for baby foods (10 ppb for fruits, 10 ppb for single or mixed vegetable
26 purees/puddings, 20 ppb for single ingredient root vegetables, and 20 ppb for dry cereals) and 10 or
27 20 ppb for juices (10 ppb for apple juice or single-strength juice and 20 ppb for juice blends
28 containing apple juice), and the FDA's proposed limit for arsenic in apple juice (10 ppb). Moreover,

1 compounding these troubling findings, the Defendants set internal limits for the presence of Toxic
 2 Heavy Metals in their foods that were, themselves, dangerously high and then routinely failed to
 3 abide by those inadequate standards, as discussed below.

4 73. As Congress observed, the Defendants have willfully sold—and continue to sell—
 5 contaminated Baby Foods notwithstanding their full awareness of these unacceptably high levels of
 6 Toxic Heavy Metals in their products.

7 **III. Defendants Engaged in a Pattern and Practice of Selling Contaminated Baby Foods and**
 8 **Failed to Reduce Metal Levels**

9 74. Several factors drive the Toxic Heavy Metal contamination of Defendants' baby
 10 foods, all of which are within Defendants' control.

11 75. *First*, at various times, all Defendants sourced ingredients that contained elevated
 12 levels of Toxic Heavy Metals. These ingredients were then used to manufacture the baby foods
 13 consumed by Plaintiffs, thereby exposing Plaintiffs to Toxic Heavy Metals that cause brain damage
 14 and other neurodevelopmental harm. One way for Defendants to "deal" with this issue involved
 15 relegating any testing of Toxic Heavy Metals to suppliers and co-manufacturers, who were required
 16 to certify that Toxic Heavy Metals were below a certain threshold. Defendants would audit those
 17 results, discover that the reported certifications were false or inaccurate, and then take no action to
 18 stop the use of those ingredients or finished products.

19 76. *Second*, some Defendants implemented dangerously high internal limits
 20 ("specifications" or "specs") for the maximum level of Toxic Heavy Metals that Defendants allowed
 21 in the baby foods. Such high limits—untethered to any consideration of the low levels at which
 22 metals are capable of damaging babies' brains—allowed Defendants to source and use ingredients
 23 that contained elevated Toxic Heavy Metals to manufacture the baby foods consumed by Plaintiffs.
 24 In the highly competitive and lucrative baby food market, using contaminated ingredients allows each
 25 Defendant to retain greater market share.

26 77. *Third*, some Defendants failed to implement *any* internal specifications for the amount
 27 of Toxic Heavy Metals allowed in ingredients or finished baby foods. By simply not looking at the
 28 issue, certain highly contaminated ingredients and finished products were allowed to be used and sold

1 to consumers. This would happen notwithstanding the Defendants' specific knowledge of the risk of
2 Toxic Heavy Metals and their presence in ingredients and finished products.

3 78. *Fourth*, Defendants did not routinely adhere to their own internal metal specifications
4 or standards, allowing contaminated ingredients and finished products to be released as "exceptional
5 releases" or other simpler terminology. This resulted in ingredients being used and baby foods
6 manufactured and sold that contained levels of Toxic Heavy Metals far higher than what was
7 internally set by Defendants. In other instances, Defendants would test products that had been put on
8 the market after-the-fact, learn about the products containing extremely high levels of Toxic Heavy
9 Metals, and then take no action to recall the product or warn consumers about the issue.

10 79. *Fifth*, upon information and belief, Defendants' manufacturing practices also
11 contributed to contamination. For example, the water used at some of the facilities where the baby
12 foods were manufactured contained Toxic Heavy Metals which, in turn, ended up in the finished
13 baby food product sold for consumption by babies.

14 80. **Beech-Nut.** Beech-Nut and responsible Hero Group entities did not test their finished
15 baby foods for heavy metals, only ingredients. And, Beech-Nut regularly accepted ingredients
16 testing far higher than its internal limits for Toxic Heavy Metals. It justified such deviations as
17 "exceptional releases." For example, Beech-Nut "exceptionally released" 160,000 pounds of sweet
18 potatoes for its baby food products notwithstanding the ingredient testing twice as high as Beech-
19 Nut's internal heavy metal limit for lead.

20 81. Moreover, Beech-Nut did not adequately test ingredients for heavy metals by limiting
21 ingredient lots and ingredient quantities that were subject to metal testing. For example, if a supplier
22 supplied ingredients below a certain amount, Beech-Nut would not test anything and simply use the
23 ingredient in the finished product. Furthermore, in deciding to violate their own internal limits,
24 Beech-Nut took advantage of the fact that the FDA does not routinely test baby foods for Toxic
25 Heavy Metals.

26 82. Upon information and belief, Beech-Nut went so far as to manipulate testing practices
27 by continually re-testing ingredients that tested above internal specs until obtaining a result that was
28 at or below the internal specs, knowing full well that the ingredient was nonetheless contaminated.

1 83. Beech-Nut's internal specifications varied wildly by ingredient, with Beech-Nut
2 allowing very high levels of Toxic Heavy Metals for certain ingredients, and insisting on lower levels
3 for others. Thus, certain products like rice flour, were allowed to have very high levels of metals like
4 arsenic and lead, even in products that were 90% or more rice. Beech-Nut did this because there
5 were no regulations governing Toxic Heavy Metal in baby food and, therefore, to remain competitive
6 in the baby food marketplace, Beech-Nut used contaminated ingredients because they were readily
7 available.

8 84. **Gerber.** Gerber and Nestlé entities tested ingredients and, occasionally, finished
9 products. However, while Gerber and Nestlé entities were the only Defendants to test both
10 ingredients and finished products with any regularity, they set high heavy metal limits that rendered
11 their food unsafe. For baby foods generally, between 2012 and 2019, Gerber and Nestlé entities set a
12 limit of 40 ppb for lead, 20 ppb for arsenic, and 10 ppb for mercury. For infant rice cereal, between
13 2012 and 2017, Gerber and Nestlé entities set a lead limit of 100 ppb, with a "target" of 50 ppb in
14 2016 and 2017. Between 2018 and 2019, Gerber and Nestlé entities set a lead limit for 50 ppb. For
15 arsenic in rice cereal, between 2012 and 2015, Gerber and Nestlé entities did not have a limit, merely
16 a target of 100 ppb. Then, between 2016 and 2018, it set the arsenic limit at 100 ppb. By 2019,
17 Gerber and Nestlé entities increased the arsenic limit to 130 ppb for cereals with 90% rice (and kept
18 the limit at 100 ppb for other cereals). For snack foods, Gerber and Nestlé entities had a lead limit of
19 150 ppb between 2012 and 2014. It was reduced to 100 ppb in 2016 and 2017, and then went down to
20 50 ppb in 2018 and 2019. There was no limit for arsenic in snack food prior 2016, just a "target" of
21 100 ppb. Then a 100-ppb arsenic limit was set starting in 2016. For both infant cereal and snacks,
22 Gerber and Nestlé entities imposed a 30-ppb limit for mercury in infant cereal between 2012 and
23 2016, and reduced it to 10 ppb from 2017 onward. With these exceptionally high limits, Gerber and
24 Nestlé entities sold baby foods that were dangerous for infant consumption. They did this knowingly.

25 85. Gerber and Nestlé entities would also audit and re-test Toxic Heavy Metal results
26 submitted by suppliers, and find that the certification from suppliers were incorrect or false. Gerber
27 and Nestlé entities would nonetheless use the certified results and release products despite the
28 ingredients not meeting specifications or being safe for infant consumption.

1 86. Gerber and Nestlé entities often used high-arsenic ingredients, for example, using 67
2 batches of rice flour that had tested over 90 ppb inorganic arsenic. Furthermore, Gerber and Nestlé
3 entities regularly sold baby food products testing over 100 ppb arsenic, at times reaching 116 ppb,
4 and their average rice cereal product contained 87.43 ppb inorganic arsenic. Indeed, this is why
5 Congress noted that “Gerber’s organic rice cereal is dangerous...” In other instances, Gerber
6 permitted as much as 300 ppb of arsenic in the rice flour ingredient used to manufacture its U.S. baby
7 foods, notwithstanding the fact that Gerber often implemented stricter standards for baby foods sold
8 in other countries.

9 87. Gerber’s baby foods are also contaminated with elevated levels of lead. Gerber and
10 Nestlé entities used ingredients that tested as high as 48 ppb lead and used many ingredients
11 containing over 20 ppb lead. Furthermore, Gerber and Nestlé entities sold baby food products testing
12 at and/or above 50 ppb of lead. Indeed, Gerber and Nestlé entities have historically permitted as
13 much as 150 ppb lead in their baby food products. Although Gerber and Nestlé entities were fully
14 aware that it was very feasible to source lower-lead ingredients, they proceeded to use high-lead
15 ingredients in their baby foods. Gerber and Nestlé entities rarely test for mercury in their baby foods.
16 This is notwithstanding the fact that mercury is known to contaminate ingredients such as rice and
17 poses a severe risk to babies’ brain development.

18 88. The February 4, 2021 Congressional Report found Gerber carrots tested for cadmium
19 at levels above 5 ppb, with some containing more than 87 ppb of cadmium. These are exceptionally
20 high levels.

21 89. Moreover, compounding these troubling findings, Gerber and Nestlé entities
22 historically only tested certain ingredients of its baby food products and only occasionally tested the
23 finished products consumed by babies. It was not until recently that Gerber and Nestlé entities
24 started to implement finished product testing on a more regular basis.

25 90. Gerber and Nestlé entities have known since at least the 1990s that inorganic arsenic
26 was neurotoxic and caused developmental issues. Despite this knowledge, in 2012, when Gerber’s
27 infant rice cereal was on the front page of a Consumer Report article on arsenic, a Gerber
28 spokesperson told the public that arsenic in baby food posed no health risk.

1 91. **Hain.** Hain did not test its baby food products for heavy metals until 2020 (rice
2 cereal) and 2021 (other baby food). Instead, Hain tested some ingredients used in their foods (but not
3 all ingredients). Ingredients were required to meet specific specifications for each specific ingredient.
4 Those specifications, however, would change wildly without explanation. For example, prior to
5 August 2014, Hain’s lead specification for Oat Flour was 200 ppb. Then it was reduced to 50 ppb for
6 four months, went back up to 100 ppb for three months, went back up to 200 ppb for a month, came
7 down to 20 ppb for seven months, went to 25 ppb for six months, and then went back to 200 ppb for
8 the next fourteen months. When asked about this seemingly chaotic shifting of specifications, Hain
9 could not explain it.

10 92. Hain would routinely accept ingredients that tested above specifications and use them
11 in baby foods anyway. These “exceptional” releases were made because there were no FDA
12 regulations specifically preventing them.

13 93. Because Hain only tested ingredients, and not finished products, they would
14 underestimate metal exposure. For example, in August 2019, the FDA did what Hain had refused: it
15 actually tested Hain’s baby food products for heavy metals. FDA sampled Hain’s rice cereal and
16 found levels in excess of 100 ppb. FDA tested 20 of Hain’s rice cereal products (all manufactured by
17 Beech-Nut for Hain) sold between September 2017 and June 2018, and found 9 samples in excess of
18 100 ppb of inorganic arsenic, and 16 (80%) above 90 ppb. The FDA raised concern about Hain’s
19 failure to test finished product, and asked Hain to conduct an investigation. These concerns about
20 Hain’s rice cereal were independently confirmed by HBBF, where they found 113 and 107 ppb of
21 inorganic arsenic (138 and 126 ppb of arsenic) in those same products. As a result of the FDA-
22 ordered investigation, Hain learned that its rice cereal exceeded FDA arsenic levels because Hain
23 never accounted for the arsenic added to the product from the vitamin premix. Hain discovered that
24 the vitamin premix specification was 3,000 ppb for arsenic and 4,000 ppb for lead. They realized that
25 their products needed to be tested in finished form to actually estimate the levels of heavy metals in
26 their foods. Hain also realized that the use of brown rice was contributing to the high levels of
27 arsenic, so, thereafter, they started using white rice (as opposed to brown rice) to reduce arsenic
28 levels and began testing rice cereal regularly.

1 94. Hain's inept process of monitoring the safety of their baby foods resulted in products
2 being sold that contained Toxic Heavy Metals, and this was done with full knowledge of the risks.
3 When asked why Hain did not warn consumers of the Toxic Heavy Metals in their foods, Hain
4 responded that if they warned, people would not buy their products.

5 95. **Nurture.** Since 2006, Defendant Nurture, under the name Happy Family Organics,
6 has sold a wide variety of baby food products. It was not until 2013—seven years after sales began—
7 and after the Danone acquisition, that Nurture and Danone entities started testing its finished baby
8 food products for lead. This testing, however, remained infrequent and occurred only after the
9 products had been released to the public—not as a condition of product release. Indeed, as of July of
10 2021, Nurture was still not testing every batch or lot of its baby food products for heavy metals and
11 was not including heavy metal testing as a condition of release.

12 96. Nurture and Danone entities took a lackadaisical approach to sourcing oversight. For
13 example, Nurture and Danone entities partnered with co-manufacturer companies to make many of
14 their baby food products, a common practice within the industry. However, Nurture and Danone
15 entities did not always require those co-manufacturers to provide information regarding the farms
16 where ingredients were grown. Although Nurture and Danone entities advertise to consumers that
17 they have “Farmer Partners” who they “trust to grow our ingredients,” Nurture and Danone entities
18 did not even participate in selecting the farms from which co-manufacturers sourced their ingredients.
19 As a result, Nurture and Danone entities do not even know all of the individual farms that grow their
20 food, making it impossible to ensure that all of their ingredients were sourced from approved farms.
21 To make matters worse, they chose not to require all of their suppliers to have specifications
22 addressing limits for heavy metals in acceptable products. This practice all but ensured that Nurture
23 and Danone entities would never have a fully accurate picture of the levels of heavy metals in their
24 ingredients or whether there were particular farms or regions that should be avoided.

25 97. And yet, all the while, Nurture and Danone entities knew that toxic heavy metals in
26 their baby food could cause brain damage in children. Not only did Nurture and Danone entities
27 know of the dangers heavy metals in their food posed to children, they also trained their employees
28 on that specific risk. For example, Nurture and Danone entities knew that dangerous levels of arsenic

1 existed in the rice that served as the base for many of its baby food products. Despite this knowledge,
 2 Nurture never removed rice from its products.

3 98. But in full view of this knowledge and with full understanding of their lackadaisical
 4 ingredient oversight approach, Nurture and Danone entities chose to rarely test their finished products
 5 for toxic heavy metals. And when they did test their products, they sold them regardless of what the
 6 tests showed. For example, Danone entities and Nurture sold baby foods after tests showed they
 7 contained as much as 180 ppb inorganic arsenic. Over 25% of the products Nurture tested before sale
 8 contained over 100 ppb inorganic arsenic. Nurture’s testing shows that the typical baby food product
 9 it sold contained 60 ppb inorganic arsenic. Danone entities and Nurture sold finished baby food
 10 products that tested as high as 641 ppb lead. Almost 20% of the finished baby food products that
 11 Nurture tested contained over 10 ppb lead. Moreover, Danone entities and Nurture sold finished
 12 baby food products containing as much as 10 ppb mercury. But Nurture never issued a recall for
 13 these products. Indeed, nothing indicates that Nurture made any changes to its policies or approaches
 14 toward heavy metals monitoring to ensure that baby food with this level of heavy metal
 15 contamination was not released to the public.

16 99. The guiding light for Nurture and Danone entities’ choices was always money. They
 17 chose their infrequent testing and lack of heavy metal specifications policies based on cost. They
 18 chose not to inform parents of the presence of heavy metals in their foods because they knew parents
 19 would then not purchase their products. They capitalized on the term “organic” that featured
 20 prominently on their labels, knowingly exploiting consumers’ widespread confusion that “organic”
 21 means free of heavy metals. And, they implemented policies of refusing to provide testing results of
 22 their products to consumers, even when parents asked, because they knew the effect such information
 23 would have on their sales.

24 100. **Plum.** Plum was founded in 2007 and has sold a wide variety of baby food products
 25 under the name Plum Organics since that time. Plum was owned and controlled by Campbell from
 26 June 2013 until roughly May 2021 when Plum was sold to Sun-Maid.

27 101. Despite Plum’s public facing statements that “little ones deserve the very best food
 28 from the very first bite” and despite understanding that environmental toxins like heavy metals can

1 cause neurodevelopmental disorders in children, Plum and Campbell/Sun-Maid did very little to
2 ensure that the Plum baby food products marketed for consumption by children are not contaminated
3 with dangerous levels of heavy metals. For example, though Plum and Campbell/Sun-Maid knew
4 that the heavy metal contents of the ingredients used in its products varied by growing region and
5 supplier, they did not undertake an effort to source ingredients with the lowest amount of heavy
6 metals available. And, despite knowing that certain ingredients carry a higher risk for heavy metal
7 contamination, Plum and Campbell/Sun-Maid did not reformulate their products to ensure that they
8 were being made with the lowest achievable amount of heavy metals.

9 102. Plum and Campbell failed to set limits on the amount of heavy metals that could be
10 present in Plum's finished baby food products. From 2007 to at least April 2021, they did not set *any*
11 limits for the amount of lead, arsenic, mercury, cadmium, or aluminum that their finished products
12 could contain.

13 103. Plum and Campbell also failed to set limits on the amount of heavy metals that could
14 be present in the ingredients used in Plum's baby food products. Prior to 2016, they did not set limits
15 for the amount of heavy metals that could be present in the ingredients used in Plum products. When
16 Plum and Campbell did begin to implement heavy metal limits for Plum ingredients (in or around
17 2017), it did so only for lead, arsenic, and cadmium. As of April 2021, Plum and Campbell still had
18 no limits for the amount of mercury and aluminum that could be in the ingredients used in their baby
19 food products.

20 104. When Plum did set some heavy metal limits (for lead and arsenic for ingredients only)
21 it set those limits several times in excess of what was achievable for most ingredients. For example,
22 despite certain fruits and vegetables normally containing less than 5 ppb lead or arsenic, Plum set the
23 heavy metal limits for all Plum ingredients for lead and arsenic at 100 ppb. And, even still, despite
24 setting these limits dangerously high, Plum and Campbell/Sun-Maid still utilized ingredients that
25 tested in excess of those limits.

26 105. Plum and Campbell/Sun-Maid also conducted very little oversight of their co-
27 manufacturers to ensure that the heavy metal limits for ingredients used in Plum products were
28 adhered to. For example, prior to 2017, Plum and Campbell did not require the ingredient suppliers

1 they contracted with to submit heavy metal testing data but instead relied on supplier assurances that
 2 the ingredients did not contain heavy metals and/or complied with all government regulations
 3 regarding heavy metals. When Plum and Campbell/Sun-Maid did begin to require testing on some of
 4 the ingredients used in its products for lead and arsenic, those efforts were scattershot and did not
 5 extend to all lots of all ingredients used in Plum baby food products. Where verification testing was
 6 conducted on ingredients, it was often done in an unaccredited lab.

7 106. Despite not having a comprehensive ingredient testing program to ensure that Plum
 8 food marketed for babies was not contaminated with Toxic Heavy Metals, Plum and Campbell/Sun-
 9 Maid also did not conduct heavy metal testing on Plum products prior to sale. Plum only first
 10 conducted finished product testing in the wake of public reports that exposed Plum baby food
 11 products as being contaminated with dangerous levels of heavy metals. Upon information and belief,
 12 no rigorous heavy metal testing program on ingredients and finished product was ever implemented
 13 and Plum and Campbell/Sun-Maid continued and continue to sell baby food contaminated with
 14 elevated levels of heavy metals without first testing to ensure their safety.

15 107. **Sprout.** Sprout's baby foods are contaminated with Toxic Heavy Metals. For
 16 example, the HBBF Report observed that Sprout's Organic Quiona Puffs Baby Cereal Snack-Apple
 17 Kale contained 107 ppb total arsenic, 47 ppb inorganic arsenic, 39.3 ppb lead, and 41.5 ppb
 18 cadmium. These levels are all highly dangerous for consumption by an infant.

19 108. Sprout's testing and oversight are extremely lacking. Sprout claims that it relies on its
 20 ingredients suppliers to test their ingredients for some Toxic Heavy Metals and only asks the
 21 suppliers to test once a year—a frequency that cannot ensure any safety. However, upon information
 22 and belief, despite its representations, Sprout did not require its raw ingredient suppliers to provide
 23 yearly heavy metal test results prior to the Subcommittee's inquiry into the company.

24 109. Sprout provided only 11 toxic heavy metal test results to the Subcommittee stating that
 25 “[b]ecause Sprout requires annual testing for heavy metals for its ingredients, rather than by lot,
 26 Sprout is unable to provide testing information for each lot as requested.” The Subcommittee called
 27 this testing the “the most reckless among baby food sellers on the market.”

28 110. Since it began testing in 2021, the results observed in Sprout's food are disturbing.

1 For example, testing showed, on average, over 300 ppb of arsenic in Sprout's puff products, with
 2 levels as high as 470 ppb. Testing on other Toxic Heavy Metals also shows exceptionally high levels
 3 in various Sprout products. Sprout's consistent failure to test, regulate, or monitor their baby food
 4 products, has led to the sale of an alarming number of baby food products that were contaminated
 5 with Toxic Heavy Metals.

6 111. Internal documents within Sprout confirm that the companies were aware of these
 7 issues, even made jokes about it, but took no action to take reasonable care to avoid harm to infants
 8 until Congress blew the whistle on Sprout—and then, only after Sprout initially refused to cooperate
 9 with a Congressional investigation.

10 112. Despite these findings, Sprout continues to market its products as safe, stating on its
 11 website, “[i]f it isn’t safe, healthy, and delicious, we don’t make it.” Considering they never tested
 12 their products prior to 2021, this statement is, at best, an overstatement.

13 113. **Walmart.** Walmart sold baby food under a “private” brand called “Parent’s Choice”,
 14 which was manufactured by a different supplier but branded, promoted, and sold as a Walmart
 15 product. Walmart did not test it for Toxic Heavy Metals whatsoever. Instead, Walmart required
 16 certain specifications be met for the products provided by its suppliers, which included some limits of
 17 heavy metals. These specifications were not enforced in any way. Walmart did not require the
 18 submission of testing from suppliers, nor did it do any of its own testing.

19 114. The only efforts to police Toxic Heavy Metals in their Parent’s Choice baby food
 20 involved generic specifications for lead and arsenic—there were no other specifications or limits for
 21 other Toxic Heavy Metals—which for most baby food products resulted in there being no limits. The
 22 following chart reflects Walmart’s Toxic Heavy Metal specifications prior to December 2018.

Type of Food	Lead	Arsenic	Mercury	Cadmium	Aluminum
Dry baby food with no juice or nectar	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
Dry baby food with juice or nectar	50 ppb	23 ppb	<i>None</i>	<i>None</i>	<i>None</i>
Wet baby food with no juice or nectar	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
Wet baby food with juice or nectar	50 ppb	23 ppb	<i>None</i>	<i>None</i>	<i>None</i>
Yogurt baby food products	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>

28 115. In December 2018, Walmart changed its specification to 100 ppb of inorganic arsenic

1 for all dry baby foods, making the products even less safe. Thus, for the vast majority of Walmart’s
 2 baby food products, there was never a limit for any Toxic Heavy Metals.

3 **IV. Defendants Abandon Efforts to Reduce Metal Levels in Baby Foods**

4 116. In 2019, as concerns grew over contamination of certain baby foods on the U.S.
 5 market, a consortium of the Defendants comprised of Beech-Nut, Plum/Campbell, Gerber, Hain,
 6 Nurture, and Sprout, as well as certain interested third party groups such as the Environmental
 7 Defense Fund (“EDF”) and HBBF, were formed with the intention “of reducing heavy metals in
 8 young children’s food.”

9 117. The consortium was named the Baby Food Council (“BFC”). The BFC involved the
 10 sharing of common testing data on the levels of metal contamination of Defendants’ baby foods, a
 11 grant to Cornell University to further study the issue, and a proposed “voluntary Baby Food Standard
 12 to limit the amounts of heavy metals in baby food.” The BFC specifically recognized the risk of
 13 neurodevelopmental harm caused by Toxic Heavy Metals to the developing brain of infants and that
 14 there were no safe levels of exposure.

15 118. The Baby Food Standard “would have provided companies with a common framework
 16 for progressively reducing contaminants by regularly testing products and improving management
 17 practices, and for being transparent with consumers about the safety of their products.”

18 119. After several years of negotiations and discussions, including a proposed system for
 19 testing, the EDF and HBBF proposed voluntary limits of 1 ppb for lead. The baby food companies,
 20 however, rejected the proposal outright. Participation in the BFC was little more than a façade—they
 21 had no intention of self-regulating their products as it related to Toxic Heavy Metals.

22 120. This led EDF and HBBF to leave the BFC in protest in 2021. They explained their
 23 departure publicly, noting that Defendants “all decided to backpedal on this project—even though the
 24 standard was designed to protect babies’ brain development” and provide adequate notice to
 25 consumers regarding the presence of Toxic Heavy Metals on Baby Food labeling. EDF explained:

26 EDF cofounded the Council because we believed there was a shared commitment to
 27 reduce levels of lead, arsenic and cadmium in baby food products to better protect
 28 children’s developing brains from these toxins … Unfortunately, the companies chose
 to cease the Council’s development of a voluntary Baby Food Standard that it had
 begun in late 2020. The Standard would have provided companies with a common

1 framework for progressively reducing contaminants by regularly testing products and
 2 improving management practices, and for being transparent with consumers about the
 3 safety of their products. Negotiations failed to provide an alternative approach that
 4 EDF felt was sufficient to drive down levels of lead, arsenic and cadmium in baby
 5 food.”

6 121. HBBF explained:

7 Healthy Babies Bright Futures is focused on tangibly reducing neurotoxic exposures
 8 to babies. The baby food companies’ refusal to jointly set limits for heavy metals in
 9 baby food has shown that the Council will no longer be the powerful mechanism for
 10 this important work that the initial plans had promised. The baby food companies’
 11 decision to stop progress on a voluntary standard for heavy metals in baby food is a
 12 disappointment … What started as dedication has turned into delay and intention has
 13 become inaction. So HBBF has decided to put our effort into other initiatives that
 14 will move the needle on this important issue.

15 122. In short, the Defendants opted to continue “self-regulating,” the same self-regulation
 16 which exposed—and continued to expose—Plaintiffs to Toxic Heavy Metals in Defendants’ baby
 17 foods.

18 **V. The Dangers of Toxic Heavy Metals and Metal Exposure Through Consumption of
 19 Baby Foods**

20 123. According to the World Health Organization (“WHO”), Toxic Heavy Metals,
 21 specifically lead, arsenic, mercury, and cadmium pose a “major public health concern” for children.
 22 The Occupational Safety and Health Administration (“OSHA”) has warned that these metals “may
 23 build up in biological systems and become a significant health hazard.” Indeed, the Department of
 24 Health and Human Services’ Agency for Toxic Substances and Disease Registry (“ATSDR”) ranks
 25 arsenic as number *one* among substances present in the environment that pose the most significant
 26 potential threat to human health, followed by lead (second), mercury (third), and cadmium (seventh).

27 124. The threat presented by Toxic Heavy Metals to children’s health is widely shared by
 28 the global regulatory and scientific community. For example, the FDA has set an Interim Reference
 Level (“IRL”) of 2.2 micrograms/day for lead exposure through baby food products. That is the
 amount of lead exposure at or above which the agency considers associated with adverse
 neurodevelopmental effects in babies. The FDA, in its guidance documents for inorganic arsenic and
 lead in baby food products has repeatedly acknowledged the dangers of heavy metals to the
 neurodevelopment of infants.

1 Even low lead exposure can harm children's health and development, specifically the
 2 brain and nervous system. Neurological effects of lead exposure during early
 3 childhood include learning disabilities, behavior difficulties, and lowered IQ. Lead
 4 exposures also may be associated with immunological, cardiovascular, renal, and
 5 reproductive and/or developmental effects...Because lead can accumulate in the
 6 body, even low-level chronic exposure can be hazardous over time...Even though no
 7 safe level of lead exposure has yet been identified for children's health, the IRL serves
 8 as a useful benchmark in evaluating the potential for adverse effects of dietary lead.
 9 In particular, FDA is focused on the potential for neurodevelopmental effects from
 10 lead exposure, as review of the scientific literature indicates that *such adverse effects
 11 of lead consistently occur at a blood lead level associated with FDA's IRL for
 12 children.* (emphasis added).

125. As one recent study observed, “[t]he implications of heavy metals with regards to
 13 children's health have been noted to be more severe compared to adults. The elements' harmful
 14 consequences on children health include mental retardation, neurocognitive disorders, behavioral
 15 disorders, respiratory problems, cancer and cardiovascular diseases. Much attention should be given
 16 to heavy metals because of their high toxicity potential, widespread use, and prevalence.” Children
 17 and, even more so, babies have higher exposure to metals compared to adults because they consume
 18 more food in relation to their body weight and absorb metals more readily than adults by 40 to 90%.

126. The mechanisms needed to metabolize and eliminate heavy metals are comparatively
 17 undeveloped in childhood, with babies having weaker detoxifying mechanisms and poorer immune
 18 systems than adults. For example, liver pathways that in adulthood metabolize absorbed arsenic do
 19 not mature until mid-childhood; un-excreted arsenic thus continues to circulate and is deposited in
 20 other organs. According to Linda McCauley, Dean of the Nell Hodgson Woodruff School of Nursing
 21 at Emory University, who studies environmental health effects, “[n]o level of exposure to these
 22 [heavy] metals has been shown to be safe in vulnerable infants.”

227. Thus, “the major windows of developmental vulnerability occur during infancy and
 23 early childhood due to continuing brain development after birth.” In short, even small amounts of
 24 exposure to Toxic Heavy Metals can have devastating health outcomes for babies and children.

25 **A. Exposure to Toxic Heavy Metals Has Been Consistently Associated with
 26 Neurodevelopmental Harm, i.e., Autism and ADHD in Pediatric Populations**

278. It is well-known that exposure to Toxic Heavy Metals in early life can interfere with
 28 neurodevelopment at exceedingly low levels of exposure. And, one of the ways in which such

1 interference with neurodevelopment can present in a child is in the form of the neurodevelopmental
 2 disorders ASD and ADHD. As the U.S. Centers for Disease Control observed in its 2020
 3 Toxicological Profile for Lead, at just ≤ 10 $\mu\text{g}/\text{dL}$: “The following neurobehavioral effects in children
 4 have been associated with [lead]: “Altered mood and behaviors that may contribute to learning
 5 deficits, including *attention deficits, hyperactivity, autistic behaviors*, conduct disorders, and
 6 delinquency.” (emphasis added). Likewise, the NIH states: “prenatal and early childhood exposure to
 7 heavy metals...may be linked to autism spectrum disorder.”

8 129. Such conclusions have likewise been reached by a consortium of the country’s leading
 9 epidemiologists, pediatricians, and medical groups, noting that Toxic Heavy Metals such as lead and
 10 mercury are “prime examples of toxic chemicals that can contribute to learning, behavioral, or
 11 intellectual impairment, as well as specific neurodevelopmental disorders such as ADHD or autism
 12 spectrum disorder.”

13 130. Multiple studies, reviews, and meta-analyses conducted throughout various parts of
 14 the world over the last decade have consistently observed that early life exposure to heavy metals can
 15 cause brain injury and, specifically, brain injury which manifests as ASD.

16 131. For example, four meta-analyses published in 2014, 2017, 2019 and 2020,
 17 respectively, observed consistent associations between exposure to arsenic, cadmium, and mercury
 18 and ASD in children; with the authors in all three studies recommending – based on the data – that
 19 exposure to such metals in children be reduced as much as possible, and one of the study authors
 20 specifically concluding that “Results of the current meta-analysis revealed that mercury is an
 21 important causal factor in the etiology of ASD.”

22 132. In a recent 2017 NIH-funded prospective observational study, the authors examined
 23 the risk of ASD outcome in twins based on their respective body burden of lead. The study
 24 concluded in no uncertain terms that “prenatal and early childhood disruption (excess or deficiency)
 25 of multiple metals during critical developmental windows is associated with ASD, and suggests a role
 26 for elemental dysregulation in the etiology of ASD.”

27 133. Similarly, a large, prospective study from 2016 in Korean school children observed
 28 that low levels of lead exposure in early life are associated with autism, the authors specifically

1 concluding: “even low blood lead concentrations...are associated with more autistic behaviors...
 2 underscoring the need for continued efforts to reduce lead exposure.”

3 134. Studies have repeatedly observed strong associations between exposure to cadmium
 4 and aluminum and neurodevelopmental disorders such as ASD, as observed by a recent study:
 5 “Environmental exposure to...cadmium (Cd)... and aluminum (Al) has been associated with
 6 neurodevelopmental disorders including autism spectrum disorder (ASD).” For example, a study
 7 from 2014 evaluated the body burden of lead, cadmium, and arsenic in children with autism
 8 compared to controls and noted that, in addition to lead and arsenic, “our study demonstrated
 9 elevation in the levels of...cadmium...in a child with autism,” while an earlier study noted that
 10 “autism may be associated with significant alterations of some rare element concentrations, including
 11 Cd...” Such results have been confirmed by meta-analyses which “show *significant associations*
 12 between ASD and the metals Al [and] Cd.” And, such earlier data is further supported by recent
 13 research, with a 2023 systematic review and meta-analysis concluding that “compared with the
 14 healthy control group, the ASD group had higher concentrations of Cd, Pb, arsenic, and Hg. These 4
 15 heavy metals play different roles in the occurrence and progression of ASD.”

16 135. Repeated associations between early life Toxic Heavy Metal exposure and ASD have
 17 also been observed during the pre-natal timeframe, lending further strength to the findings of post-
 18 natal studies. For example, in a 2021 study by Skogheim and colleagues, the authors prospectively
 19 assessed the relationship between pre-natal metal exposure in various biomarkers and autism risk.
 20 The study concluded that “[r]esults from the present study show several associations between levels
 21 of metals and elements during gestation and ASD and ADHD in children. The most notable ones
 22 involved arsenic...mercury...and lead. Our results suggest that even population levels of these
 23 compounds may have negative impacts on neurodevelopment.”

24 136. Similarly, in a study by the research group assessing the New Hampshire Birth Cohort,
 25 the authors evaluated the neurotoxic effects of heavy metals during various stages of pregnancy and
 26 concluded: “Our results support the hypothesis that exposure to...As in mid to late pregnancy may be
 27 neurodevelopmentally harmful.”

28 137. Such results have been replicated in studies throughout the world, including China,

1 Korea, the U.S., Europe, and Egypt, implicating arsenic, mercury, and lead in pediatric diagnoses of
 2 autism and autistic behaviors, with a 2018 Chinese study concluding: “[t]he results of this study are
 3 consistent with numerous previous studies, supporting an important role for heavy metal exposure,
 4 particularly mercury, in the etiology of ASD.” Indeed, a 2015 Egyptian study noted
 5 “[e]nvironmental exposure to these toxic heavy metals, *at key times in development*, may play a
 6 ***causal*** role in autism.” (emphasis added).

7 138. Exposure to Toxic Heavy Metals, specifically lead, has also been repeatedly
 8 associated with the development of ADHD in children, as demonstrated by numerous studies.

9 139. No fewer than four large meta-analyses, conducted in four different continents (North
 10 America, South America, Europe and Asia), and some employing a cross-sectional design, have
 11 observed a consistent association between various metals and ADHD in children. Indeed, the authors
 12 of the meta-analysis from Spain noted that “the evidence from the studies allowed us to establish that
 13 there is an association between lead and ADHD and that even *low levels of lead raise the risk.*”
 14 (emphasis added).

15 140. The findings from the meta-analyses have been replicated in several Chinese studies
 16 from 2006, 2014, and 2018, respectively. Notably, the authors of the 2014 Chinese study observed
 17 that “[e]xposure to lead even at low levels correlates with attention-deficit/hyperactivity disorder
 18 (ADHD). However, lead-contaminated environments are often *contaminated with other heavy metals*
 19 *that could exacerbate lead-induced ADHD.*” (emphasis added). This is particularly relevant—and
 20 disturbing—as children who consumed Defendants’ baby foods were repeatedly exposed to a cocktail
 21 of Toxic Heavy Metals that, synergistically, further increased their risk of developing ADHD.

22 141. Moreover, studies have observed a dose-response relationship between exposure to
 23 Toxic Heavy Metals and ADHD, as demonstrated by the 2016 Spanish study Donzelli, *et al.* Another
 24 2016 cross-sectional study from Spain was conducted on 261 children aged 6-9 to examine the
 25 association between exposure to arsenic and ADHD. After adjusting for potential confounders, the
 26 authors observed a dose-response relationship between urine arsenic levels and inattention and
 27 impulsivity scores, concluding that “[urine arsenic] levels were associated with impaired
 28 attention/cognitive function, *even at levels considered safe.* These results provide additional

1 evidence that postnatal arsenic exposure impairs neurological function in children.” (emphasis
 2 added).

3 142. The fact that such results, and many more, have been observed in multiple studies,
 4 conducted by different researchers, at different times, in different parts of the world, in children of
 5 multiple ages, utilizing different study methods (prospective, case-control and cross-sectional
 6 epidemiological analyses) and measuring a variety of end-points (including hair, blood, and urine),
 7 strongly supports a causal relationship between exposure to Toxic Heavy Metals and the development
 8 of ASD and ADHD in children.

9 **B. Defendants’ Baby Foods Contain Toxic Heavy Metals Capable of Interfering
 10 with Early Neurodevelopment**

11 143. As illustrated above, Toxic Heavy Metal exposure is capable of inflicting damage to
 12 the developing brain at extremely low doses. And, upon information and belief, Defendants
 13 manufactured and sold baby foods containing Toxic Heavy Metals that can, under certain
 14 circumstances (based upon the genetic susceptibilities, medical history, and other factors of the
 15 exposed child) interfere with a baby’s neurodevelopment sufficient to cause conditions such as ASD
 16 and ADHD.

17 144. As an initial matter, the study commissioned by HBBF and discussed above
 18 specifically evaluated the propensity for arsenic exposure through consumption of infant rice cereal
 19 to impact early life neurodevelopment. Following analyses of the levels of arsenic exposure from
 20 consumption of infant rice cereal, the authors concluded “that high consumers of infant rice cereal
 21 (i.e., infants eating three servings per day) eating products currently on the U.S. market would have a
 22 daily arsenic intake of 0.35-0.67 µg/kg bw/day...per the Tsuji et al. (2015) lower-bound estimate for
 23 an RfD for the neurodevelopmental effects of arsenic (0.4 µg/kg bw/day), high consumers of infant
 24 rice cereal may also be at risk for this endpoint. Even in average consumers of infant rice cereal (i.e.,
 25 one serving per day), our estimates of arsenic intakes (0.15 to 0.29 µg/kg bw/day) leave little room
 26 for exposures to arsenic from other sources.” Thus, consumption of Defendants’ baby foods,
 27 including but not limited to infant rice cereal and rice-based snack baby food products manufactured
 28 and sold by Defendants can expose babies to levels of arsenic above that associated with

1 neurodevelopmental harm in the scientific literature.

2 145. Defendants manufactured and sold baby food products that, with just a couple of
3 servings, are capable of exposing a baby to lead levels at or above the 2.2 ug/day considered by the
4 FDA to be associated with neurodevelopmental harm. Each source of lead exposure is cumulative—
5 making any detectable amount of Toxic Heavy Metal in baby food a contributing factor to potential
6 neurodevelopmental harm.

7 146. Similarly, upon information and belief, Defendants were aware of the neurotoxic
8 propensities of lead, arsenic, and mercury at low levels, but proceeded to manufacture and sell Baby
9 Foods containing arsenic and lead levels that, upon information and belief, Defendants considered as
10 capable of inflicting neurodevelopmental harm.

11 **VI. Defendants Knowingly Sold Baby Foods Containing Toxic Heavy Metals and Knew or
12 Should Have Known of the Risks of Such Exposures in Children and Thus Breeched
13 their Duty of Care in Selling Contaminated Baby Foods**

14 147. During the time that Defendants manufactured and sold baby foods in the United
15 States, the weight of evidence showed that Defendants' baby foods exposed babies and children to
16 Toxic Heavy Metals. Defendants failed to disclose this risk to consumers through any means.

17 148. As discussed above, both independent testing, the Defendants' internal evaluations of
18 their baby foods, and the Defendants' representations and disclosures to Congress and the FDA
19 reveal the presence of Toxic Heavy Metals in Defendants' products. As such, Defendants knew or
20 should have known that their baby foods contain Toxic Heavy Metals with an attendant risk of
21 causing neurodevelopmental harm.

22 149. Indeed, independent testing performed in early 2019 demonstrated elevated amounts
23 of such Toxic Heavy Metals in Baby Food products on the U.S. market, and the HBBF Report further
24 confirmed such contamination of Defendants' baby foods. And, as the Congressional investigation
25 found, the Defendants continued to sell their baby foods even after testing of both ingredients and
26 finished products revealed the presence of Toxic Heavy Metals.

27 150. Moreover, the scientific literature on the dangers of Toxic Heavy Metals—particularly
28 as it relates to adverse effects on the neurodevelopment of children—have been well known for

1 decades. Defendants, as manufacturers and sellers of baby foods, are held to the standard of experts
2 and responsible for keeping abreast of the latest scientific developments related are held to the
3 dangers of contaminants in their products. Defendants failed to take action to protect vulnerable
4 children from exposure to the Toxic Heavy Metals in their foods and, thus, subjected them to the risk
5 of brain injury which can manifest as neurodevelopmental disorders such as ASD, ADHD, and
6 related *sequalae*.

7 151. To be clear, the Defendants are able to manufacture baby foods that do not pose such a
8 dangerous risk to the health of infants and children by using alternative ingredients, not adding
9 certain pre-mix minerals and vitamins high in Toxic Heavy Metals or sampling their ingredients from
10 other sources. At the very least, Defendants were under a duty to warn unsuspecting parents of the
11 presence of Toxic Heavy Metals in their Baby Foods.

12 **VII. Defendants' Baby Food Products Were Defective Due to Insufficient Warnings,
13 Manufacturing Defects, and/or Design Defects to the Extent the Baby Food Products
14 Contained Detectable Levels of Toxic Heavy Metal**

15 152. All of Defendants' baby food products that contained detectable levels of Toxic Heavy
16 Metals (or constituted finished products wherein the ingredients contained detectable levels of Toxic
17 Heavy Metals), assuming state of the art analytical testing, were defective as it relates to warnings
18 because no Defendant has ever warned about the presence of Toxic Heavy Metals in their baby foods.
19 Because discovery is ongoing, a complete list of Defendants' specific baby foods that contained
20 detectable levels of Toxic Heavy Metals is not known at this time. Based on publicly available
21 testing data, including data reported by HBBF and Congress, the vast majority of Defendants'
22 products contain detectable levels of Toxic Heavy Metals in them, rendering them each defective as it
23 relates to warnings. Attached as Appendix A to this Complaint is a list of the Defendants' products
24 now known to be defective. This list, however, is not comprehensive and shall be amended as
25 discovery is obtained.

26 153. Defendants' baby food products are also defective as manufactured, as they contain
27 detectable Toxic Heavy Metals which are not supposed to be there, by design. Toxic Heavy Metals
28 do not provide any nutritional or therapeutic value to infants or fully-grown humans. They are only

1 poisonous to neurodevelopment. None of these baby food products, by design, should contain Toxic
2 Heavy Metals in them and, thus, to the extent the products contain detectable levels of Toxic Heavy
3 Metals in them, those are manufacturing defects. Based on publicly available data, most of
4 Defendants' baby food products contain some detectable levels of Toxic Heavy Metals in them.
5 However, as the levels of Defendants' baby food products are not known yet, nor do Plaintiffs have a
6 complete list of Defendants' baby food products or their formulations—information that will be
7 obtained through discovery—Plaintiffs cannot identify each baby food product that contained a
8 manufacturing defect. However, Appendix A is a running list of baby food products sold by
9 Defendants.

10 154. If Defendants specifically designed their baby food products to contain Toxic Heavy
11 Metals, meaning their presence was not the product of a manufacturing defect, then the products were
12 defective by design. Toxic Heavy Metals should not be present in foods that are being consumed by
13 infants and products should be designed to not have detectable levels of toxic heavy metal in them.
14 Such designs are easily accomplished, by only using ingredients that contain non-detectable levels of
15 Toxic Heavy Metals and by testing finished products, before release, to ensure they do not contain
16 Toxic Heavy Metals within them. This is possible because there are examples of Defendants'
17 finished products not containing detectable levels of Toxic Heavy Metals—even if, for that same
18 products, there are instances where they did. Thus, Defendants were able to design baby food
19 products to not contain detectable levels of toxic heavy metals, and to the extent that each
20 Defendants' design contemplated there being detectable levels of Toxic Heavy Metals in baby food,
21 the design, itself, was defective. Because Plaintiffs do not know the Defendants' intended design for
22 their baby food products—as there has been no discovery obtained to date concerning product
23 formulation, product/ingredient specifications, and testing methodologies/capabilities—Plaintiffs
24 cannot specify which baby food products were defectively designed versus which ones were not.
25 That said, Appendix A, a running list of the Defendants' baby food products that, with further
26 discovery, may yield information that will allow Plaintiffs to identify whether the product was
27 defectively designed.

28 155. Whether the Defendants' products were defective due to inadequate warnings,

1 manufacturing errors, or by design, the existing publicly available evidence indicates that
2 consumption of Defendants' baby food products can expose infants to Toxic Heavy Metals, and that
3 depending on specific milieu of products consumed by each Plaintiff and each Plaintiff's specific
4 susceptibility and circumstances, Defendants' baby food products contributed to each Plaintiff's
5 Toxic Heavy Metal burden during critical period of infant neurodevelopment. Each Plaintiff, thus,
6 alleges that this cumulative exposure from Defendants' products to Toxic Heavy Metals, substantially
7 contributed to causing neurodevelopmental harm that manifested as ASD and/or ADHD. Moreover,
8 each Plaintiff alleges that had these baby food products not been defective—by having sufficient
9 warnings, being correctly manufactured, and/or designed properly—each Plaintiff would not have
10 been exposed to levels of Toxic Heavy Metals in Defendants' baby food products that would have
11 contributed to the neurodevelopmental harm that manifested as ASD and/or ADHD.

12 **VIII. Exemplary / Punitive Damages Allegations**

13 156. Defendants' conduct as alleged herein was done with reckless disregard for human
14 life, oppression, and malice. Defendants' conduct is particularly reprehensible given that their toxic
15 foods were directed at vulnerable babies—a population group far more susceptible than adults to the
16 neurotoxic dangers of heavy metals.

17 157. Defendants were fully aware of the safety risks of Contaminated Baby Foods,
18 particularly the dangerous potential of Toxic Heavy Metals on neurodevelopment in infants and
19 children. Nonetheless, Defendants deliberately crafted their label, marketing, and promotion to
20 mislead consumers. Indeed, Defendants repeatedly market their baby foods as safe for consumption
21 and go so far as claiming that they adhere to “the strictest standards in the world;” and provide
22 “baby’s food full of nutrition while meeting standards strict enough for tiny tummies,” as well as
23 other statements and representations that hold out their baby foods as safe for consumption by
24 infants. Indeed, each Defendant falsely reassured parents/guardians/caregivers that their baby foods
25 would foster healthy neurodevelopment when consumed even though they knew their baby foods
26 exposed infants’ developing brains to potent neurotoxic heavy metals. In actual fact, as discussed
27 above, Defendants routinely sold Contaminated Baby Foods, regularly flouted their own internal
28 limits of Toxic Heavy Metals and failed to disclose to consumers that their products contained such

1 dangerous contaminants.

2 158. This was not done by accident or through some justifiable negligence. Rather,
 3 Defendants knew they could profit by convincing consumers that their baby foods were healthy and
 4 safe for infants, and that full disclosure of presence and/or risks of the Toxic Heavy Metals present in
 5 the baby foods would limit the amount of money Defendants would make selling the products.

6 Defendants' object was accomplished not only through a misleading label, but through a
 7 comprehensive scheme of selective misleading research and testing, failure to test, false advertising,
 8 and deceptive omissions as more fully alleged throughout this Complaint.

9 Parents/guardians/caregivers were denied the right to make an informed decision about whether to
 10 purchase Defendants' baby food for their babies without knowing the full risks attendant to that use.
 11 Such conduct was done with conscious disregard of Plaintiffs' welfare and rights.

12 CAUSES OF ACTION

13 I. COUNT I: STRICT PRODUCTS LIABILITY – FAILURE TO WARN

14 159. Plaintiffs incorporate by reference each allegation set forth in preceding paragraphs as
 15 if fully stated herein.

16 160. At all relevant times, Defendants engaged in the business of researching, testing,
 17 developing, designing, manufacturing, labeling, marketing, selling, inspecting, distributing, and
 18 promoting baby foods, which are defective and unreasonably dangerous to consumers, including
 19 Plaintiffs, because they do not contain adequate warnings or instructions concerning the dangerous
 20 characteristics of baby foods in the form of the presence of Toxic Heavy Metals. These actions were
 21 under the ultimate control and supervision of Defendants. At all relevant times, Defendants
 22 registered, researched, manufactured, distributed, marketed, and sold baby foods and aimed at a
 23 consumer market.

24 161. Defendants researched, tested, developed, designed, manufactured, labeled, marketed,
 25 sold, inspected, distributed, and promoted, and otherwise released into the stream of commerce their
 26 Contaminated Baby Foods, and in the course of same, directly advertised or marketed the products to
 27 consumers and end users, including Plaintiffs, and therefore had a duty to warn about the presence of
 28 and risks associated with exposure to Toxic Heavy Metals from the consumption of Contaminated

1 Baby Foods.

2 162. At all relevant times, Defendants had a duty to properly test, develop, design,
3 manufacture, inspect, package, label, market, promote, sell, and distribute, maintain, supply, provide
4 proper warnings, and take such steps as necessary to ensure their Contaminated Baby Foods did not
5 cause users and consumers to suffer from unreasonable and dangerous risks. Defendants had a
6 continuing duty to warn each Plaintiff of dangers associated with exposure to Toxic Heavy Metals
7 from consumption of the Contaminated Baby Foods. Defendants, as a manufacturer, seller, or
8 distributor of food, are held to the knowledge of an expert in the field.

9 163. At the time of manufacture, Defendants could have provided the warnings or
10 instructions regarding the full and complete risks of exposure to Toxic Heavy Metals in the
11 Contaminated Baby Foods because they knew or should have known of the unreasonable risks of
12 harm associated with the use of and/or exposure to such toxins.

13 164. At all relevant times, Defendants failed and deliberately refused to investigate, study,
14 test, or promote the safety or to minimize the dangers to users and consumers of their product and to
15 those who would foreseeably use or be harmed by exposure to the Toxic Heavy Metals in
16 Defendants' Baby Foods.

17 165. Even though Defendants knew or should have known that the presence of Toxic
18 Heavy Metals in Contaminated Baby Foods posed a risk of harm, they failed to exercise reasonable
19 care to warn of the dangerous risks associated with use and exposure to the toxins in the products.
20 The neurotoxic characteristic of Toxic Heavy Metals contained in Defendants' Contaminated Baby
21 Foods, as described above, were known to Defendants, or scientifically knowable to Defendants
22 through appropriate research and testing by known methods, at the time they distributed, supplied, or
23 sold the products, and were not known to end users and consumers, such as Plaintiffs. The product
24 warnings for Contaminated Baby Foods in effect during the time period Plaintiffs consumed those
25 foods were inadequate, both substantively and graphically, to alert consumers to the presence of and
26 health risks associated with exposure to the Toxic Heavy Metals from Contaminated Baby Food
27 consumption.

28 166. At all relevant times, Defendants' Contaminated Baby Foods reached the intended

1 consumers, handlers, and users or other persons coming into contact with these products, including
2 Plaintiffs, without substantial change in their condition as manufactured, sold, distributed, labeled,
3 and marketed by Defendants.

4 167. Plaintiffs were exposed to the Toxic Heavy Metals in Defendants' Contaminated Baby
5 Foods without knowledge of the potential for such exposure to Toxic Heavy Metals from
6 consumption of the products and the dangerous characteristics of the toxins.

7 168. At all relevant times, Plaintiffs were exposed to the Toxic Heavy Metals in the
8 Defendants' Contaminated Baby Foods while consuming the foods for their intended or reasonably
9 foreseeable purposes, without knowledge of their dangerous characteristics.

10 169. Plaintiffs could not have reasonably discovered the defects and risks associated with
11 exposure to the Toxic Heavy Metals in the Contaminated Baby Foods prior to or at the time of
12 Plaintiffs consuming those foods. Plaintiffs relied upon the skill, superior knowledge, and judgment
13 of Defendants to know about and disclose serious health risks associated with exposure to the toxins
14 in Defendants' products.

15 170. The information that Defendants did provide or communicate failed to contain
16 relevant warnings, hazards, and precautions that would have enabled consumers such as Plaintiffs to
17 avoid consuming the products and, in turn, exposure to the Toxic Heavy Metals. Instead, Defendants
18 disseminated information that was inaccurate, false, and misleading, and which failed to
19 communicate accurately or adequately the comparative severity, duration, and extent of the risk of
20 injuries with use of and/or exposure to the Toxic Heavy Metals in the Contaminated Baby Foods;
21 continued to aggressively promote the safety of their products, even after they knew or should have
22 known of the unreasonable risks from use or exposure; and concealed, downplayed, or otherwise
23 suppressed, through aggressive marketing and promotion, any information or research about the risks
24 and dangers of exposure to Toxic Heavy Metals from consumption of Contaminated Baby Foods.

25 171. This alleged failure to warn is not limited to the information contained on
26 Contaminated Baby Foods labeling. The Defendants were able, in accord with federal law, to
27 comply with relevant state law by disclosing the known risks associated with exposure to Heavy
28 Metals in Contaminated Baby Foods through other non-labeling mediums, i.e., promotion,

1 advertisements, public service announcements, and/or public information sources. But the
 2 Defendants did not disclose these known risks through any medium. The ability to provide such
 3 warnings is not prohibited by any federal law.

4 172. Furthermore, Defendants possess a First Amendment Right to make truthful
 5 statements about the products they sell, and no law could lawfully restrict that constitutional right.
 6 This included making statements about the presence of and risks associated with Toxic Heavy Metals
 7 in Contaminated Baby Foods.

8 173. Had Defendants provided adequate warnings and instructions and properly disclosed
 9 and disseminated the risks associated with exposure to the toxins in their Contaminated Baby Foods,
 10 Plaintiffs could have avoided the risk of developing injuries and could have obtained or used
 11 alternative products. However, as a result of Defendants' concealment of the dangers posed by the
 12 Toxic Heavy Metals in their Contaminated Baby Foods, Plaintiffs could not have averted their
 13 exposures.

14 174. Defendants' conduct, as described above, was reckless. Defendants risked the lives of
 15 babies and children, including Plaintiffs, with knowledge of the safety problems associated with
 16 Contaminated Baby Foods, and suppressed this knowledge from the general public. Defendants
 17 made conscious decisions not to warn or inform the unsuspecting public.

18 175. The Defendants' lack of adequate warnings and instructions accompanying their
 19 Contaminated Baby Foods caused each Plaintiff's injuries.

20 176. As a direct and proximate result of the Defendants' failure to provide an adequate
 21 warning of the risks of exposure to the Toxic Heavy Metals in their Contaminated Baby Foods,
 22 Plaintiffs have been injured, sustained severe and permanent pain, suffering, disability, impairment,
 23 loss of enjoyment of life, economic loss and damages including, but not limited to past and future
 24 medical expenses, lost income, and other damages.

25 177. **WHEREFORE**, each Plaintiff respectfully requests this Court enter judgment in
 26 Plaintiff's favor for damages, together with interest, costs herein incurred, attorneys' fees and all such
 27 other and further relief as this Court deems just and proper.

28 **II. COUNT II: STRICT PRODUCTS LIABILITY – MANUFACTURING DEFECT**

1 178. Plaintiffs incorporate by reference each allegation set forth in preceding paragraphs as
 2 if fully stated herein.

3 179. At all times herein mentioned, Defendants designed, manufactured, tested, marketed,
 4 sold, handled, and distributed the Contaminated Baby Foods consumed by Plaintiffs.

5 180. At all relevant times, the Contaminated Baby Foods consumed by Plaintiffs were
 6 expected to and did reach Plaintiff without a substantial change in their condition as manufactured,
 7 handled, distributed, and sold by Defendants.

8 181. At all relevant times, the Contaminated Baby Foods consumed by Plaintiffs were used
 9 in a manner that was foreseeable and intended by Defendants.

10 182. The Contaminated Baby Foods consumed by Plaintiffs were not reasonably safe for
 11 their intended use and were defective with respect to their manufacture, as described herein, in that
 12 Defendants deviated materially from their design and manufacturing specifications and/or such
 13 design and manufacture posed an unreasonable risk of harm to Plaintiffs.² Baby food should not, by
 14 design, contain any detectable levels of Toxic Heavy Metals in them. Thus, Defendants'
 15 Contaminated Baby Foods contain manufacturing defects.

16 183. The Defendants' Contaminated Baby Foods contained Toxic Heavy Metals because,
 17 while in the control and possession of Defendants, they manufactured ingredients and used
 18 manufacturing processes that result in the finished product being contaminated with Toxic Heavy
 19 Metals. Had Defendants properly manufactured (directly or through co-manufacturers) the baby
 20 foods, they would not have contained detectable levels of Toxic Heavy Metals in them and, thus,
 21 would not have contained a manufacturing defect.

22 184. Nothing under federal law limited or restricted Defendants from taking action to
 23 reduce or eliminate the Toxic Heavy Metals from being present in their baby foods.

24 185. This manufacturing defect caused each Plaintiff to be exposed to Toxic Heavy Metals
 25 through ingestion of the Contaminated Baby Foods which, in turn, caused neurodevelopmental harm
 26

27 2 If, through discovery and further litigation, it is discovered that Defendants' baby food products
 28 contained detectable levels of Toxic Heavy Metals by design, then Plaintiffs will pursue a design
 defect claim (Count III) in the alternative.

1 that manifested as ASD and/or ADHD.

2 186. The exposure to the Toxic Heavy Metals in the Contaminated Baby Foods creates
3 risks to the health and safety of babies that are far more significant than the risks posed by non-
4 Contaminated Baby Food products, and which far outweigh the utility of the Contaminated Baby
5 Foods products because of Defendants' manufacturing defects.

6 187. Defendants have intentionally and recklessly manufactured the Contaminated Baby
7 Foods with wanton and willful disregard for the rights and health of Plaintiffs, and with malice,
8 placing their economic interests above the health and safety of Plaintiffs.

9 188. As a direct and proximate result of the Defendants' defective manufacture of the
10 Contaminated Baby Foods, Plaintiffs have been injured, sustained severe and permanent pain,
11 suffering, disability, impairment, loss of enjoyment of life, economic loss and damages including, but
12 not limited to medical expenses, lost income, and other damages.

13 189. **WHEREFORE**, each Plaintiff respectfully requests this Court enter judgment in
14 Plaintiff's favor for damages, together with interest, costs herein incurred, attorneys' fees and all such
15 other and further relief as this Court deems just and proper.

16 **III. COUNT III: STRICT PRODUCTS LIABILITY – DESIGN DEFECT**

17 190. Plaintiffs incorporate by reference each allegation set forth in preceding paragraphs as
18 if fully stated herein.

19 191. At all times herein mentioned, Defendants designed, manufactured, tested, marketed,
20 sold, handled, and distributed the Contaminated Baby Foods consumed by Plaintiffs. These actions
21 were under the ultimate control and supervision of Defendants.

22 192. At all relevant times, Defendants' Baby Food products were designed and labeled in
23 an unsafe, defective, and inherently dangerous manner that was dangerous for use or consumption by
24 infants and babies, including Plaintiffs.

25 193. Defendants' Contaminated Baby Food products as researched, tested, developed,
26 designed, licensed, manufactured, packaged, labeled, distributed, sold, and marketed by Defendants
27 were defective in design and formulation in that, when they were placed into the stream of
28 commerce, they were unreasonably dangerous and dangerous to an extent beyond that which an

1 ordinary consumer would contemplate.

2 194. Defendants' Contaminated Baby Food products, as researched, tested, developed,
3 designed, licensed, manufactured, packaged, labeled, distributed, sold, and marketed by Defendants
4 were defective in design and formulation in that, when they left the hands of Defendants, the
5 foreseeable risks exceeded the alleged benefits associated with their design and formulation.

6 195. At all relevant times, the Contaminated Baby Food products consumed by Plaintiffs
7 were expected to and did reach Plaintiffs without a substantial change in its condition as designed,
8 manufactured, handled, distributed, and sold by Defendants.

9 196. At all relevant times, Defendants knew or had reason to know that their Contaminated
10 Baby Food products were defective and were inherently dangerous and unsafe when used in the
11 manner instructed and provided by Defendants.

12 197. Therefore, at all relevant times, Defendants' Baby Food products, as researched,
13 tested, developed, designed, registered, licensed, manufactured, packaged, labeled, distributed, sold
14 and marketed by Defendants were defective in design and formulation, in one or more of the
15 following ways:

16 A. When placed in the stream of commerce, Defendants' Contaminated Baby
17 Food products were unreasonably dangerous in that they contained Toxic Heavy Metals that
18 posed a risk of causing interference with neurodevelopment in babies that manifests as the
19 neurodevelopmental disorders ASD, ADHD and related *sequelae* when used in a reasonably
20 anticipated manner;

21 B. When placed in the stream of commerce, Defendants' designed Contaminated
22 Baby Food products to contain unreasonably dangerous design defects and were not
23 reasonably safe when used in a reasonably anticipated or intended manner;

24 C. Defendants, by design, did not sufficiently test, investigate, or study their
25 Contaminated Baby Food products;

26 D. Exposure to the Toxic Heavy Metals in Defendants' Contaminated Baby Food
27 products present a risk of harmful effects that outweigh any potential utility stemming from
28 their use;

1 E. Defendants, by design, did not conduct adequate post-marketing surveillance
2 of their Contaminated Baby Food products which would have alerted the public to risks; and

3 F. Defendants could have employed safer alternative designs and formulations for
4 Contaminated Baby Foods, such as ensuring the baby food did not have any detectable level
5 of Toxic Heavy Metals.

6 198. Plaintiffs consumed Defendants' Contaminated Baby Food products in an intended or
7 reasonably foreseeable manner without knowledge of their dangerous characteristics.

8 199. Defendants' Contaminated Baby Food products were and are more dangerous than
9 alternative products, and Defendants could have designed their Contaminated Baby Food products to
10 avoid harm to children. Indeed, at the time Defendants designed the Contaminated Baby Food
11 products, the state of the industry's scientific knowledge was such that a less risky design or
12 formulation was attainable.

13 200. At the time the Contaminated Baby Food products left Defendants' control, there was
14 a practical, technically feasible, and safer alternative design that would have prevented the harm
15 without substantially impairing the reasonably anticipated or intended function of Defendants'
16 Contaminated Baby Foods.

17 201. Defendants intentionally and recklessly defectively designed the Contaminated Baby
18 Foods with wanton and willful disregard for the rights and health of Plaintiffs, and with malice,
19 placing their economic interests above the health and safety of Plaintiffs.

20 202. The design defects in Defendants' Contaminated Baby Foods were substantial factors
21 in causing Plaintiffs' injuries.

22 203. As a direct and proximate result of the Defendants' defective design of the
23 Contaminated Baby Foods, Plaintiffs have been injured, sustained severe and permanent pain,
24 suffering, disability, impairment, loss of enjoyment of life, economic loss and damages including, but
25 not limited to medical expenses, lost income, and other damages.

26 204. **WHEREFORE**, each Plaintiff respectfully requests this Court enter judgment in
27 Plaintiff's favor for damages, together with interest, costs herein incurred, attorneys' fees and all such
28 other and further relief as this Court deems just and proper.

1 **IV. COUNT IV: NEGLIGENCE – FAILURE TO WARN**

2 205. Plaintiffs incorporate by reference each allegation set forth in preceding paragraphs as
 3 if fully stated herein.

4 206. At all relevant times, Defendants engaged in the business of testing, developing,
 5 designing, manufacturing, marketing, selling, distributing, and promoting baby foods. Defendants
 6 knew, or, by the exercise of reasonable care, should have known that their Contaminated Baby Foods
 7 are not accompanied with adequate warnings concerning the dangerous characteristics of exposure to
 8 Toxic Heavy Metals from consumption. These actions were under the ultimate control and
 9 supervision of Defendants.

10 207. Defendants researched, developed, designed, tested, manufactured, inspected, labeled,
 11 distributed, marketed, promoted, sold, and otherwise released into the stream of commerce their
 12 Contaminated Baby Foods, and in the course of same, directly advertised or marketed the products to
 13 consumers and end users, including Plaintiffs, and therefore had a duty to warn of the risks associated
 14 with the presence of and exposure to Toxic Heavy Metals from consumption of Contaminated Baby
 15 Foods.

16 208. At all relevant times, Defendants had a duty to properly test, develop, design,
 17 manufacture, inspect, package, label, market, promote, sell, distribute, maintain, supply, provide
 18 proper warnings, and take such steps as necessary to ensure their Contaminated Baby Foods did not
 19 cause users and consumers to suffer from unreasonable and dangerous risks. Defendants had a
 20 continuing duty to warn Plaintiff of dangers associated with the presence of and exposure to Toxic
 21 Heavy Metals from consumption of Contaminated Baby Foods. Defendants, as a manufacturer,
 22 seller, or distributor of food products, are held to the knowledge of an expert in the field.

23 209. At the time of manufacture, Defendants could have provided warnings regarding the
 24 presence of and risks of exposure to Toxic Heavy Metals from consumption of Contaminated Baby
 25 Foods because they knew or should have known exposure to Toxic Heavy Metals from consumption
 26 of Contaminated Baby Foods was dangerous, harmful and injurious when the Contaminated Baby
 27 Foods were consumed by Plaintiffs in a reasonably foreseeable manner.

28 210. At all relevant times, Defendants failed and deliberately refused to investigate, study,

1 test, or promote the safety or to minimize the dangers to users and consumers of their products and to
2 those who would foreseeably use or be harmed by Defendants' Contaminated Baby Foods.

3 211. Defendants knew or should have known that exposure to Toxic Heavy Metals from
4 consumption of Contaminated Baby Foods posed a risk of harm, but failed to exercise reasonable
5 care to warn of the dangerous risks associated with use and exposure to the toxins in the products.
6 The dangerous propensities of exposure to Toxic Heavy Metals from consumption of the
7 Contaminated Baby Foods, as described above, were known to Defendants, or scientifically
8 knowable to Defendants through appropriate research and testing by known methods, at the time they
9 distributed, supplied, or sold the products, and were not known to end users and consumers, such as
10 the Plaintiffs.

11 212. At all relevant times, Plaintiffs were exposed to Toxic Heavy Metals through
12 consumption of the Contaminated Baby Foods while using the products for their intended or
13 reasonably foreseeable purposes, without knowledge of their dangerous characteristics.

14 213. Defendants knew or should have known that the non-extant warnings disseminated
15 with their Contaminated Baby Foods were inadequate, failed to communicate adequate information
16 on the presence of and dangers of exposure to toxins contained therein, and failed to communicate
17 warnings and instructions that were appropriate and adequate to render the products safe for their
18 ordinary, intended and reasonably foreseeable uses.

19 214. The information that Defendants did provide or communicate failed to contain
20 relevant warnings, hazards, and precautions that would have enabled consumers such as Plaintiffs to
21 avoid using the product and, in turn, prevented exposure to the Toxic Heavy Metals contained
22 therein. Instead, Defendants disseminated information that was inaccurate, false, and misleading, and
23 which failed to communicate accurately or adequately the comparative severity, duration, and extent
24 of the risk of injuries with use of and/or exposure to the Toxic Heavy Metals in the Contaminated
25 Baby Foods; continued to aggressively promote the efficacy of their products, even after they knew
26 or should have known of the unreasonable risks from use or exposure to the toxins contained therein;
27 and concealed, downplayed, or otherwise suppressed, through aggressive marketing and promotion,
28 any information or research about the risks and dangers of exposure to Toxic Heavy Metals from

1 consumption of the Contaminated Baby Foods.

2 215. A reasonable company under the same or similar circumstance would have warned
3 and instructed of the dangers of exposure to Toxic Heavy Metals from consumption of Contaminated
4 Baby Foods.

5 216. This alleged failure to warn is not limited to the information contained on the labeling
6 of Defendants' Contaminated Baby Foods. Defendants were able, in accord with federal law, to
7 comply with relevant state law by disclosing the known risks associated with exposure to Toxic
8 Heavy Metals from consumption of Contaminated Baby Foods through other non-labeling mediums,
9 i.e., promotion, advertisements, public service announcements, and/or public information sources.

10 But the Defendants did not disclose these known risks through any medium.

11 217. Furthermore, Defendants possess a First Amendment Right to make truthful
12 statements about the products they sell, and no law could lawfully restrict that constitutional right.

13 218. Had Defendants provided adequate warnings and instructions and properly disclosed
14 and disseminated the risks associated with the presence of and exposure to Toxic Heavy Metals in the
15 Contaminated Baby Foods, Plaintiffs could have avoided the risk of developing injuries and could
16 have obtained or used alternative products. However, as a result of Defendants' concealment of the
17 dangers posed by their Contaminated Baby Foods, Plaintiffs could not have averted their injuries.

18 219. Defendants' conduct, as described above, was reckless. Defendants risked the lives of
19 consumers and users of their products, including Plaintiffs, with knowledge of the safety problems
20 associated with Contaminated Baby Foods, and suppressed this knowledge from the general public.
21 Defendants made conscious decisions not to warn or inform the unsuspecting public.

22 220. The Defendants' lack of adequate warnings and instructions accompanying their
23 Contaminated Baby Foods were a substantial factor in causing Plaintiffs' injuries.

24 221. As a direct and proximate result of the Defendants' failure to provide an adequate
25 warning of the risks of exposure to Toxic Heavy Metals from consumption of Contaminated Baby
26 Foods, Plaintiffs have been injured, sustained severe and permanent pain, suffering, disability,
27 impairment, loss of enjoyment of life, economic loss and damages including, but not limited to past
28 and future medical expenses, lost income, and other damages.

1 222. **WHEREFORE**, each Plaintiff respectfully requests this Court enter judgment in
2 Plaintiff's favor for damages, together with interest, costs herein incurred, attorneys' fees and all such
3 other and further relief as this Court deems just and proper.

4 **V. COUNT V: NEGLIGENCE – MANUFACTURING**

5 223. Plaintiffs incorporate by reference each allegation set forth in preceding paragraphs as
6 if fully stated herein.

7 224. At all relevant times, the Defendants manufactured, tested, marketed, sold, and
8 distributed the Contaminated Baby Foods that Plaintiffs consumed.

9 225. The Defendants had a duty to exercise reasonable care, in the manufacturing, testing,
10 marketing, sale, and distribution of baby foods.

11 226. The Defendants knew or, by the exercise of reasonable care, should have known, that
12 exposure to Toxic Heavy Metals from consumption of Contaminated Baby Foods rendered the foods
13 carelessly manufactured, dangerous, harmful and injurious when used by Plaintiffs in a reasonably
14 foreseeable manner.

15 227. The Defendants knew or, by the exercise of reasonable care, should have known,
16 ordinary consumers such as Plaintiffs would not have realized the potential risks and dangers of
17 exposure to Toxic Heavy Metals from consumption of Contaminated Baby Foods.

18 228. Without limitation, examples of the manner in which Defendants breached their duty
19 to exercise reasonable care in manufacturing Contaminated Baby Foods, included:

20 A. Failure to adequately inspect/test the Contaminated Baby Foods, and their
21 ingredients, during and after the manufacturing process;

22 B. Failure to implement procedures that would reduce or eliminate Toxic Heavy
23 Metals in baby foods;

24 C. Failure to investigate suppliers and ingredient sources to reduce and eliminate
25 the risk of ingredients containing Toxic Heavy Metals; and

26 D. Failure to avoid using ingredients free from, or which contain far less, Toxic
27 Heavy Metals to manufacture baby food.

28 229. A reasonable manufacturer under the same or similar circumstances would have

1 implemented appropriate manufacturing procedures to better ensure the quality and safety of their
2 product.

3 230. Plaintiffs were harmed directly and proximately by the Defendants' failure to use
4 reasonable care in the manufacture of their Contaminated Baby Foods. Such harm includes exposure
5 to Toxic Heavy Metals, which can cause or contribute to interference with early neurodevelopment
6 which manifests as ASD, ADHD, and related *sequalae*.

7 231. Defendants' improper manufacturing of Baby Foods was willful, wanton, malicious,
8 and conducted with reckless disregard for the health and safety of users of the Contaminated Baby
9 Foods, including Plaintiffs.

10 232. The defects in Defendants' Contaminated Baby Foods were substantial factors in
11 causing Plaintiffs' injuries.

12 233. As a direct and proximate result of the Defendants' improper manufacturing of
13 Contaminated Baby Foods, Plaintiffs have been injured, sustained severe and permanent pain,
14 suffering, disability, impairment, loss of enjoyment of life, economic loss and damages including, but
15 not limited to past and future medical expenses, lost income, and other damages.

16 234. **WHEREFORE**, each Plaintiff respectfully requests this Court enter judgment in
17 Plaintiff's favor for damages, together with interest, costs herein incurred, attorneys' fees and all such
18 other and further relief as this Court deems just and proper.

19 **VI. COUNT VI: NEGLIGENCE – PRODUCT DESIGN**

20 235. Plaintiffs incorporate by reference each allegation set forth in preceding paragraphs as
21 if fully stated herein.

22 236. Defendants knew or, by the exercise of reasonable care, should have known, ordinary
23 consumers such as Plaintiffs would not have realized the potential risks and dangers of Contaminated
24 Baby Foods.

25 237. The Defendants owed a duty to all reasonably foreseeable users to design a safe
26 product.

27 238. The Defendants breached their duty by failing to use reasonable care in the design of
28 Contaminated Baby Foods because the products exposed babies to Toxic Heavy Metals.

1 239. The Defendants breached their duty by failing to use reasonable care in the design of
2 Contaminated Baby Foods by negligently designing the foods with ingredients and/or components
3 contaminated with Toxic Heavy Metals.

4 240. The Defendants breached their duty by failing to use reasonable care in the design of
5 Contaminated Baby Foods by negligently designing and formulation, in one or more of the following
6 ways:

7 A. When placed in the stream of commerce, Defendants' Contaminated Baby
8 Foods were defective in design and formulation, and, consequently, dangerous to an extent
9 beyond that which an ordinary consumer would contemplate;

10 B. When placed in the stream of commerce, Defendants' Contaminated Baby
11 Foods were unreasonably dangerous in that they were hazardous and posed a risk of
12 neurodevelopmental disorders and other serious illnesses when used in a reasonably
13 anticipated manner;

14 C. When placed in the stream of commerce, Defendants' Contaminated Baby
15 Foods contained unreasonably dangerous design defects and were not reasonably safe when
16 used in a reasonably anticipated or intended manner;

17 D. Defendants did not sufficiently test, investigate, or study their Contaminated
18 Baby Foods and, specifically, the content of Toxic Heavy Metals in the ingredients used to
19 manufacture the foods and/or the finished products;

20 E. Defendants did not sufficiently test, investigate, or study their Contaminated
21 Baby Foods and, specifically, the ability for those foods to expose babies to Toxic Heavy
22 Metals; and

23 F. Exposure to the Toxic Heavy Metals in Contaminated Baby Foods presents a
24 risk of harmful effects that outweigh any potential utility stemming from the use of the
25 products;

26 241. Defendants knew or should have known at the time of marketing Contaminated Baby
27 Foods that exposure to Toxic Heavy Metals contained in the Baby Foods could result in interference
28 with early neurodevelopment that that manifests as ASD, ADHD and other severe illnesses and

1 injuries.

2 242. Defendants, by design, did not conduct adequate post-marketing surveillance of their
3 Contaminated Baby Foods.

4 243. Defendants could have employed safer alternative designs and formulations. For
5 example, the Defendants could have avoided use of certain ingredients contaminated with Toxic
6 Heavy Metals, avoided using pre-mix vitamins contaminated with Toxic Heavy Metals, and/or
7 sampled their ingredients from other sources.

8 244. The Defendants breached their duty by failing to use reasonable care by failing to use
9 cost effective, reasonably feasible alternative designs. There was a practical, technically feasible, and
10 safer alternative design that would have prevented the harm without substantially impairing the
11 reasonably anticipated or intended function of Defendants' Contaminated Baby Foods.

12 245. A reasonable company under the same or similar circumstances would have designed
13 a safer product.

14 246. Plaintiffs were harmed directly and proximately by the Defendants' failure to use
15 reasonable care in the design of their Contaminated Baby Foods. Such harm includes exposure to
16 Toxic Heavy Metals, which can cause or contribute to interference with neurodevelopment that
17 manifests as ASD, ADHD, and related *sequela*e.

18 247. Defendants' defective design of Contaminated Baby Foods was willful, wanton,
19 malicious, and conducted with reckless disregard for the health and safety of consumers of the Baby
20 Foods, including Plaintiffs.

21 248. The defects in Defendants' Contaminated Baby Foods were substantial factors in
22 causing Plaintiffs' injuries.

23 249. As a direct and proximate result of the Defendants' negligent design of the
24 Contaminated Baby Foods, Plaintiffs have been injured, sustained severe and permanent pain,
25 suffering, disability, impairment, loss of enjoyment of life, economic loss and damages including, but
26 not limited to past and future medical expenses, lost income, and other damages.

27 250. **WHEREFORE**, each Plaintiff respectfully requests this Court enter judgment in
28 Plaintiff's favor for damages, together with interest, costs herein incurred, attorneys' fees and all such

1 other and further relief as this Court deems just and proper.

2 **VII. COUNT VII: GENERAL NEGLIGENCE**

3 251. Plaintiffs incorporate by reference each allegation set forth in preceding paragraphs as
4 if fully stated herein.

5 252. Plaintiffs plead claims for negligence under all theories that may be actionable under
6 any applicable state laws.

7 253. Defendants owed Plaintiffs a duty to act with reasonable care.

8 A. Defendants owed a duty because they distributed and promoted their products
9 as safe for children to consume.

10 B. Defendants owed a duty because their conduct created a risk of harm to
11 Plaintiffs and caused Plaintiffs actual harm.

12 C. Defendants owed a duty because the risk of harm to Plaintiffs was embedded
13 in, and an inherent component of, their negligent business practices.

14 D. Defendants owed a duty because they designed, manufactured, controlled,
15 distributed, and sold their products to Plaintiffs.

16 254. Defendants breached their duty to Plaintiffs.

17 255. Defendants' negligence includes, but is not limited to, their marketing, designing,
18 manufacturing, producing, supplying, inspecting, testing, selling and/or distributing Contaminated
19 Baby Foods in one or more of the following respects:

20 A. Failure to implement procedures that would reduce or eliminate Toxic Heavy
21 Metals in baby foods;

22 B. Failure to investigate suppliers and ingredient sources to reduce and eliminate
23 the risk of ingredients containing Toxic Heavy Metals; and

24 C. Failure to avoid using ingredients free from, or which contain far less, Toxic
25 Heavy Metals to manufacture baby food.

26 D. When placed in the stream of commerce, Defendants' Contaminated Baby
27 Foods were defective in design and formulation, and, consequently, dangerous to an extent
28 beyond that which an ordinary consumer would contemplate;

1 E. When placed in the stream of commerce, Defendants' Contaminated Baby
2 Foods were unreasonably dangerous in that they were hazardous and posed a risk of
3 neurodevelopmental disorders and other serious illnesses when used in a reasonably
4 anticipated manner;

5 F. When placed in the stream of commerce, Defendants' Contaminated Baby
6 Foods contained unreasonably dangerous design defects and were not reasonably safe when
7 used in a reasonably anticipated or intended manner;

8 G. Defendants, by design, did not conduct adequate post-marketing surveillance
9 of their Contaminated Baby Food products which would have alerted the public to risks; and

10 H. Defendants did not sufficiently test, investigate, or study their Contaminated
11 Baby Foods and, specifically, the ability for those foods to expose babies to Toxic Heavy
12 Metals;

13 I. Defendants could have employed safer alternative designs and formulations for
14 Contaminated Baby Foods, such as ensuring the baby food did not have any detectable level
15 of Toxic Heavy Metal.

16 J. Defendants did not sufficiently test, investigate, or study their Contaminated
17 Baby Foods and, specifically, the content of Toxic Heavy Metals in the ingredients used to
18 manufacture the foods and/or the finished products; and

19 K. Exposure to the Toxic Heavy Metals in Contaminated Baby Foods presents a
20 risk of harmful effects that outweigh any potential utility stemming from the use of the
21 products;

22 256. Defendants knew or should have known that their products contained detectable levels
23 of heavy metals that created an unreasonable risk of harm to children who consumed their products.

24 257. At all relevant times, the Defendants knew or should have known that the Products
25 were unreasonably dangerous and defective when put to their reasonably anticipated use.

26 258. As a proximate result of Defendants' negligence, Plaintiffs have been injured,
27 sustained severe and permanent pain, suffering, disability, impairment, loss of enjoyment of life,
28 economic loss, and damages including, but not limited to past and future medical expenses, lost

1 income, and other damages.

2 259. **WHEREFORE**, each Plaintiff respectfully requests this Court enter judgment in
 3 Plaintiff's favor for damages, together with interest, costs herein incurred, attorneys' fees and all such
 4 other and further relief as this Court deems just and proper.

5 **JURY TRIAL DEMAND**

6 260. Plaintiff demands a trial by jury on all the triable issues within this pleading.

7 **PRAYER FOR RELIEF**

8 261. WHEREFORE, each Plaintiff requests that the Court enter judgment in Plaintiffs'
 9 favor and against the Defendants for:

- 10 a. actual or compensatory damages in such amount to be determined at trial and as
 11 provided by applicable law;
- 12 b. exemplary and punitive damages sufficient to punish and deter the Defendants and
 13 others from future wrongful practices;
- 14 c. pre-judgment and post-judgment interest;
- 15 d. costs including reasonable attorneys' fees, court costs, and other litigation expenses;
 16 and
- 17 e. any other relief the Court may deem just and proper.

18 Dated: April 16, 2025

19 Respectfully submitted,

20 /s/ R. Brent Wisner

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Co-Lead Counsel for Plaintiffs in MDL 3101

APPENDIX A

A. Beech-Nut Products

Jars

- 1 Stage 1 Apple
- 2 Stage 1 Banana
- 3 Stage 1 Beef & Beef Broth
- 4 Stage 1 Butternut Squash
- 5 Stage 1 Carrots
- 6 Stage 1 Chicken & Chicken Broth
- 7 Stage 1 Green Beans
- 8 Stage 1 Organics Apple
- 9 Stage 1 Organics Carrots
- 10 Stage 1 Organics Pear
- 11 Stage 1 Organics Sweet Potato
- 12 Stage 1 Organics Prunes
- 13 Stage 1 Organics Pumpkin
- 14 Stage 1 Pear
- 15 Stage 1 Prunes
- 16 Stage 1 Sweet Potato
- 17 Stage 1 Turkey & Turkey Broth
- 18 Stage 2 Apple
- 19 Stage 2 Apple & Banana
- 20 Stage 2 Apple & Blackberries
- 21 Stage 2 Apple & Blueberries
- 22 Stage 2 Apple & Kale
- 23 Stage 2 Apple, Cinnamon & Granola
- 24 Stage 2 Apple, Mango & Kiwi
- 25 Stage 2 Apple, Pear & Banana
- 26 Stage 2 Banana
- 27 Stage 2 Banana & Strawberries
- 28 Stage 2 Banana, Blueberries & Green beans
- 29 Stage 2 Banana, Orange & Pineapple
- 30 Stage 2 Carrots, Sweet Corn & Pumpkin
- 31 Stage 2 Chicken, Apple & Carrot
- 32 Stage 2 Chicken, Apple & Corn
- 33 Stage 2 Chicken, Pear & Zucchini
- 34 Stage 2 Corn & Sweet Potato
- 35 Stage 2 Garden Vegetables
- 36 Stage 2 Guava, Pear & Strawberries
- 37 Stage 2 Mango
- 38 Stage 2 Mango, Apple & Avocado
- 39 Stage 2 Mixed Vegetables
- 40 Stage 2 Organics Apple, Kiwi & Spinach
- 41 Stage 2 Organics Apple, Pumpkin & Granola
- 42 Stage 2 Organics Apple, Raspberries & Avocado

A. Beech-Nut Products

- 43 Stage 2 Organics Banana
- 44 Stage 2 Organics Banana, Cinnamon & Granola
- 45 Stage 2 Organics Banana, mango & Sweet Potato
- 46 Stage 2 Organics Butternut Squash & Sweet Corn
- 47 Stage 2 Organics Pear, Kale & Cucumber
- 48 Stage 2 Peach
- 49 Stage 2 Pear
- 50 Stage 2 Pear & Blueberries
- 51 Stage 2 Pear & Pineapple
- 52 Stage 2 Pear & Raspberries
- 53 Stage 2 Peas, Green Beans & Asparagus
- 54 Stage 2 Pineapple, Pear & Avocado
- 55 Stage 2 Pumpkin & Cinnamon
- 56 Stage 2 Spinach, Zucchini & Peas
- 57 Stage 2 Squash
- 58 Stage 2 Sweet Carrots
- 59 Stage 2 Sweet Corn & Green Beans
- 60 Stage 2 Sweet Peas
- 61 Stage 2 Sweet Potato
- 62 Stage 2 Turkey, Apple & Sweet Potato
- 63 Stage 3 Naturals Superblends Apple, Yogurt, Cinnamon & Oat
- 64 Stage 3 Naturals Superblends Banana, Chickpea & Kale
- 65 Stage 3 Naturals Superblends Carrot, Corn & Chickpea
- 66 Stage 3 Naturals Superblends Mango, Carrot, Yogurt & Oat
- 67 Stage 3 Organics Sweet Potato & Barley

Pouches

- 68 Stage 2 Apple & Kale
- 69 Stage 2 Apple, Mango & Carrot
- 70 Stage 2 Apple, Mango & Spinach
- 71 Stage 2 Apple, Peach & Strawberries
- 72 Stage 2 Apple, Pumpkin & Cinnamon
- 73 Stage 2 Apple, Sweet Potato & Pineapple
- 74 Stage 2 Banana, Apple & Blueberries
- 75 Stage 2 Banana, Apple & Strawberry
- 76 Stage 2 Banana, Blueberries & Avocado
- 77 Stage 2 Banana, Cinnamon & Granola
- 78 Stage 2 Banana, Pear & Sweet Potato
- 79 Stage 2 Carrot Zucchini & Pear
- 80 Stage 2 Carrot, Apple & Pineapple
- 81 Stage 2 Peach, Apple & Banana
- 82 Stage 2 Pear, Banana & Raspberries
- 83 Stage 2 Pear, Mango & Squash

A. Beech-Nut Products

- 84 Stage 2 Pumpkin, Zucchini & Apple
- 85 Stage 2 Squash, Peas & Pears
- 86 Stage 2 Zucchini, Spinach & Banana
- 87 Stage 3 Apple, Yogurt, Cinnamon & Oat
- 88 Stage 4 Yogurt, Banana & Mixed Berry
- 89 Stage 4 Yogurt, Banana & Strawberry

Cereals

- 90 Multigrain Cereal
- 91 Oatmeal Cereal
- 92 Organic Oatmeal Cereal
- 93 Rice Cereal

Bars

- 94 Apple & Spinach Fruit & Veggie
- 95 Banana & Pumpkin Fruit & Veggie
- 96 Banana Fuity Oat
- 97 Strawberry Fruity Oat

Yogurt Melts

- 98 Apple & Pumpkin Fruit & Veggie
- 99 Apple, Carrot, Mango & Yogurt Melties with Probiotics
- 100 Banana, Blueberry & Green Beans Fruit & Veggie
- 101 Pear, Mango, Spinach & Yogurt Melties with Probiotics
- 102 Strawberry, Apple & Yogurt

Baked Crisps

- 103 Sweet Potato

B. Gerber Products**Jars and Tubs**

- 1 Stage 1 - 1st Butternut Squash
- 2 Stage 1 - 1st Carrot
- 3 Stage 1 - 1st Foods Apple
- 4 Stage 1 - 1st Foods Banana
- 5 Stage 1 - 1st Foods Prune
- 6 Stage 1 - 1st Foods Sweet Potato
- 7 Stage 1 - 1st Green Bean
- 8 Stage 1 - 1st Natural Apple
- 9 Stage 1 - 1st Natural Banana
- 10 Stage 1 - 1st Pea
- 11 Stage 1 - 1st Peach
- 12 Stage 1 - 1st Pear
- 13 Stage 2 - 2nd Apple Avocado
- 14 Stage 2 - 2nd Apple Banana with Mixed Cereal
- 15 Stage 2 - 2nd Banana Plum Grape
- 16 Stage 2 - 2nd Foods Apple
- 17 Stage 2 - 2nd Foods Apple Banana with Oatmeal
- 18 Stage 2 - 2nd Foods Apple Blueberry
- 19 Stage 2 - 2nd Foods Apple Strawberry Banana
- 20 Stage 2 - 2nd Foods Apricot Mixed Fruit
- 21 Stage 2 - 2nd Foods Banana
- 22 Stage 2 - 2nd Foods Banana Apple Pear
- 23 Stage 2 - 2nd Foods Banana Blackberry Blueberry
- 24 Stage 2 - 2nd Foods Banana Carrot Mango
- 25 Stage 2 - 2nd Foods Banana Orange Medley
- 26 Stage 2 - 2nd Foods Banana Pear Zucchini
- 27 Stage 2 - 2nd Foods Beef and Gravy
- 28 Stage 2 - 2nd Foods Butternut Squash
- 29 Stage 2 - 2nd Foods Carrot
- 30 Stage 2 - 2nd Foods Carrot Potato Pea
- 31 Stage 2 - 2nd Foods Chicken and Gravy
- 32 Stage 2 - 2nd Foods Cinnamon with Oatmeal
- 33 Stage 2 - 2nd Foods Green Bean
- 34 Stage 2 - 2nd Foods Ham and Gravy
- 35 Stage 2 - 2nd Foods Mango
- 36 Stage 2 - 2nd Foods Pea
- 37 Stage 2 - 2nd Foods Peach
- 38 Stage 2 - 2nd Foods Pear
- 39 Stage 2 - 2nd Foods Pear Pineapple
- 40 Stage 2 - 2nd Foods Prune Apple
- 41 Stage 2 - 2nd Foods Sweet Potato
- 42 Stage 2 - 2nd Foods Sweet Potato Turkey with Whole Grains Dinner
- 43 Stage 2 - 2nd Foods Turkey and Gravy
- 44 Stage 2 - 2nd Natural Apple Zucchini Peach
- 45 Stage 2 - 2nd Natural Spinach Kale
- 46 Stage 2 - 2nd Pear Guava
- 47 Stage 3 - 3rd Banana Blueberry Rice pudding
- 48 Stage 3 - 3rd Garden Veggies & Rice

B. Gerber Products

49 Stage 3 - 3rd Pasta Marinara
50 Stage 3 - 3rd Pasta Primavera

Pouches

51 Toddler Pouched Organic Banana Mango
52 Toddler Pouches Apple Mango Strawberry
53 Toddler Pouches Banana Blueberry
54 Toddler Pouches Banana Blueberry Purple Carrot Greek Yogurt Purple Carrot Greek Yogurt Mixed Grains
55 Toddler Pouches Banana Pear Zucchini
56 Toddler Pouches Fruit & Yogurt Peaches & Cream
57 Toddler Pouches Fruit & Yogurt Strawberry Banana
58 Toddler Pouches Fruit & Yogurt Very Berry
59 Toddler Pouches Natural Apple Pear Peach
60 Toddler Pouches Natural Apple Sweet Potato with Cinnamon
61 Toddler Pouches Organic Apple Mango Raspberry Avocado Oatmeal
62 Toddler Pouches Organic Apple Purple Carrot Blueberry with Yogurt
63 Toddler Pouches Organic Banana Mango Avocado Quinoa Vanilla
64 Toddler Pouches Organic Banana Raspberry & Yogurt with Vanilla
65 Toddler Pouches Organic Banana Strawberry Beet Oatmeal
66 Toddler Pouches Organic Mango Peach Carrot Sweet Potato Oatmeal
67 Stage 2 - 2nd Foods Pouches Apple Strawberry Banana
68 Stage 2 - 2nd Foods Pouches Natural Banana
69 Stage 2 - 2nd Foods Pouches Organic Apple Blueberry Spinach
70 Stage 2 - 2nd Foods Pouches Organic Apple Carrot Squash
71 Stage 2 - 2nd Foods Pouches Organic Apple Kale Fig
72 Stage 2 - 2nd Foods Pouches Organic Apple Peach
73 Stage 2 - 2nd Foods Pouches Organic Apple Raspberry Acai Berry
74 Stage 2 - 2nd Foods Pouches Organic Apple Zucchini Spinach Strawberry
75 Stage 2 - 2nd Foods Pouches Organic Banana Acai Berry Mixed Grain
76 Stage 2 - 2nd Foods Pouches Organic Banana Blueberry Blackberry Oatmeal
77 Stage 2 - 2nd Foods Pouches Organic Carrot Apple Mango
78 Stage 2 - 2nd Foods Pouches Organic Pear Mango Avocado
79 Stage 2 - 2nd Foods Pouches Organic Pear Peach Strawberry
80 Stage 2 - 2nd Foods Pouches Organic Purple Carrot Banana Acai Cardamom
81 Stage 2 - 2nd Foods Pouches Organic Squash Apple Sweet Potato
82 Stage 2 - 2nd Foods Pouches Organic Squash Pear Peach with Basil

Cereals

83 Apple Cinnamon Oatmeal & Barley Cereal
84 Banana & Cream Oatmeal & Barley Cereal
85 Banana Apple Strawberry Multigrain Cereal
86 DHA & Probiotic Rice Cereal
87 Lil'Bits Oatmeal Banana Strawberry Cereal
88 Multi Grain Cereal
89 Multigrain Cereal
90 Oatmeal
91 Oatmeal Banana Probiotic Cereal
92 Organic Oatmeal
93 Organic Oatmeal Banana Cereal

B. Gerber Products

- 94 Organic Oatmeal Millet Quinoa Cereal
- 95 Organic Single-Grain Rice
- 96 Probiotic Oatmeal, Lentil, Carrots & Peas
- 97 Probiotic Rice Banana Apple Cereal
- 98 Single Grain Rice Cereal
- 99 Whole Wheat Apple Blueberry Cereal
- 100 Whole Wheat Cereal

Puffs Snacks

- 101 Apple Cinnamon Puffs
- 102 Apple Sweet Potato Lil' Crunchies
- 103 Banana Puffs
- 104 Blueberry Puffs
- 105 Cranberry Orange Organic Puffs
- 106 Fig Berry Organic Puffs
- 107 Garden Tomato Lil' Crunchies
- 108 Mild Cheddar Lil' Crunchies
- 109 Organic Apple Puffs
- 110 Organic Banana Raspberry Baby Pops
- 111 Organic Lil' Crunchies White Bean Hummus
- 112 Organic Lil' Crunchies White Cheddar Broccoli
- 113 Peach Puffs
- 114 Ranch Lil' Crunchies
- 115 Strawberry Apple Puffs
- 116 Sweet Potato Puffs
- 117 Vanilla Maple Lil' Crunchies
- 118 Vanilla Puffs
- 119 Veggie Dip Lil' Crunchies

Biscuits and Cookies

- 120 Animal Crackers
- 121 Arrowroot Biscuits
- 122 Banana Cookies
- 123 Lil' Biscuits
- 124 Organic Honey Biscuits

Grain Bars

- 125 Apple Cinnamon Soft Baked Grain Bars
- 126 Banana Mango Organic Grain & Grow Soft Baked Grain Bars
- 127 Date & Carrot Organic Date & Carrot Fruit & Veggie Bars
- 128 Organic Raspberry Pomegranate Grain & Grow Soft Baked Grain Bars
- 129 Strawberry Banana Soft Baked Grain Bars

Teethers/Wafers

- 130 Apple Harvest Teether Wheels
- 131 Banana Cream Teether Wheels
- 132 Banana Peach Teethers
- 133 Banana Soothe 'n' Chew

B. Gerber Products

- 134 Banana Yogurt Blends Snacks
- 135 Blueberry with Whole Grains Yogurt Blends Snack
- 136 Mango Banana Carrot Organic Teethers
- 137 Mango Raspberry Teethers
- 138 Organic Teethers Blueberry Apple Beet
- 139 Peach Yogurt Melts
- 140 Strawberry Apple Spinach Teethers
- 141 Strawberry Banana Yogurt Blends Snack

C. Hain Products

Jars

- 1 Apple Butternut Squash
- 2 Apple Cinnamon Oatmeal
- 3 Apples
- 4 Apples & Apricots
- 5 Apples & Blueberries
- 6 Apples & Plums
- 7 Banana Mango
- 8 Bananas
- 9 Bananas Peaches & Raspberries
- 10 Carrots
- 11 Chicken & Chicken Broth
- 12 Chicken & Rice
- 13 Corn & Butternut Squash
- 14 Peach Oatmeal Banana
- 15 Pears
- 16 Pears & Mangos
- 17 Pears & Raspberries
- 18 Peas
- 19 Sweet Potato Apricot
- 20 Sweet Potato Chicken
- 21 Sweet Potatoes
- 22 Tender Chicken & Stars
- 23 Turkey & Turkey Broth
- 24 Vegetable Turkey
- 25 Winter Squash

Pouches

- 26 Apple Peach Oatmeal Fruit and Grain Puree
- 27 Apple Strawberry Baby Food Puree
- 28 Apple Sweet Potato Pumpkin Blueberry Baby Food Puree
- 29 Banana Blueberry Banana Food Puree
- 30 Banana Raspberry Brown Rice Fruit and Grain Puree
- 31 Beef Medley
- 32 Butternut Squash Pear Baby Food Puree
- 33 Carrots & Broccoli Veggie Puree
- 34 Cheesy Past with Veggies
- 35 Chicken Casserole
- 36 Chicken Pot Pie
- 37 Four Bean Feast Organic Protein Pouch
- 38 Orange Banana Baby Food Puree
- 39 Pasta with Tomato & White Bean
- 40 Peach Mango Baby Food Puree

C. Hain Products

- 41 Pear Carrot Apricot Baby Food Puree
- 42 Pumpkin & Spinach Veggie Puree
- 43 Spinach Lentil and Brown Rice Veggie & Protein Puree
- 44 Squash & Sweet Peas Veggie Puree
- 45 Sweet Garbanzo Barley Veggie & Protein Puree
- 46 Sweet Potato & Beets Veggie Puree
- 47 Sweet Potato Apple Baby Food Puree
- 48 Turkey Quinoa Apple Sweet Potato
- 49 Veggie Lentil Bake Organic Protein Pouch
- 50 Wholesome Breakfast Apple Raisin
- 51 Wholesome Breakfast Blueberry Banana
- 52 Wholesome Breakfast Strawberry Peach Pear with Yogurt Oat & Quinoa Baby Puree
- 53 Wholesome Breakfast Sweet Potato Cinnamon

Cereals

- 54 Organic Rice Cereal Babies First Solid Food
- 55 Organic whole Grain Multi – Grain Cereal
- 56 Organic Whole Grain Oatmeal Cereal

Snacks

- 57 Apple Sunny Days Snack Bars
- 58 Blueberry Breakfast Biscuits
- 59 Honey Crunchin'Grahams
- 60 Oatmeal Cinnamon Organic Letter of the Day Cookies
- 61 Organic Crunchin'Crackers
- 62 Organic Garden Veggie Straws
- 63 Organic Peanut Butter Puffs
- 64 Strawberry Sunny Days Snack Bars
- 65 Sweet Potato Carrot Sunny Days Snack Bars
- 66 Veggie Crunchin'Crackers

Frozen Entrees and Meals

- 67 Frozen Baked Chicken Nuggets Value Size
- 68 Frozen Baked Chicken Nuggets
- 69 Frozen Baked Popcorn Chicken Nuggets
- 70 Frozen Gluten Free Broccoli & Cheese Nuggets
- 71 Frozen Gluten Free Veggie Nuggets
- 72 Frozen Mini Beef Meatballs
- 73 Frozen Plant Based Protein Nuggets
- 74 Organic Frozen Chicken Fries
- 75 Organic Frozen Mini Pancakes Blueberry

Fruit Yogurt Smoothies

C. Hain Products

76 Mixed Berry Fruit Yogurt Smoothie
77 Peach Banana Fruit Yogurt Smoothie
78 Pear Mango Fruit Yogurt Smoothie
79 Pineapple Orange Banana Fruit Yogurt Smoothie
80 Strawberry Banana Fruit Yogurt Smoothie

Electrolyte Solution

81 Apple Orange Electrolyte Solution
82 Grape Electrolyte Solution

D. Nurture Products

Jars

- 1 Apple & Spinach
- 2 Apples & Blueberries
- 3 Apples, Mangos & Beets
- 4 Apples, Oats & Cinnamon
- 5 Bananas & Strawberries
- 6 Bananas & Sweet Potatoes
- 7 Bananas, Blueberries & Beets
- 8 Carrots
- 9 Carrots & Peas
- 10 Green Beans
- 11 Pears
- 12 Pears & Kale
- 13 Pears & Prunes
- 14 Pears, Mangos & Spinach
- 15 Pears, Pineapple & Avocado
- 16 Sweet Potatoes

Pouches

- 17 Stage 1 Mangos
- 18 Stage 1 Prunes
- 19 Stage 2 Apple, Kale & Oats
- 20 Stage 2 Apples & Carrots
- 21 Stage 2 Apples, Blueberries & Oats
- 22 Stage 2 Apples, Guavas & Beets
- 23 Stage 2 Apples, Kale & Avocados
- 24 Stage 2 Apples, Pumpkin & Carrots
- 25 Stage 2 Apples, Spinach & Kale
- 26 Stage 2 Apples, Sweet Potatoes & Granola
- 27 Stage 2 Bananas, Beets & Blueberries
- 28 Stage 2 Bananas, Pineapple, Avocado & Granola
- 29 Stage 2 Bananas, Plums & Granola
- 30 Stage 2 Bananas, Raspberries & Oats
- 31 Stage 2 Bananas, Sweet Potatoes & Papayas
- 32 Stage 2 Black Beans, Beets & Bananas
- 33 Stage 2 Broccoli & Carrots with Olive Oil + Garlic
- 34 Stage 2 Carrots, Strawberries & Chickpeas
- 35 Stage 2 Green Beans, Spinach & Pears
- 36 Stage 2 Pear, Raspberries & Oats
- 37 Stage 2 Pears, Kale & Spinach
- 38 Stage 2 Pears, Mangos & Spinach
- 39 Stage 2 Pears, Peas & Broccoli
- 40 Stage 2 Pears, Pumpkin & Passion Fruit

D. Nurture Products

- 41 Stage 2 Pears, Pumpkin, Peaches & Granola
- 42 Stage 2 Pears, Squash & Blackberries
- 43 Stage 2 Pears, Squash & Oats
- 44 Stage 2 Pears, Zucchini & Peas
- 45 Stage 2 Peas, Bananas & Kiwi
- 46 Stage 2 Purple Carrot & Cauliflower with Avocado Oil + Oregano
- 47 Stage 2 Purple Carrots, Bananas, Avocados & Quinoa
- 48 Stage 2 Squash, Chickpeas & Spinach with Avocado Oil & Sage
- 49 Stage 2 Squash, Pears & Apricots
- 50 Stage 2 Sweet Potatoes with Olive Oil +Rosemary
- 51 Stage 2 Sweet Potatoes, Mangos & Carrots
- 52 Stage 2 Zucchini, Apples, Peas, Quinoa & Basil
- 53 Stage 3 Harvest Vegetables & Chicken with Quinoa
- 54 Stage 3 Root Vegetables & Turkey with Quinoa
- 55 Stage 3 Vegetables & Beef medley with Quinoa
- 56 Stage 4 Apples & butternut Squash + Super Chia
- 57 Stage 4 Apples, Acai, Coconut Milk & Oats + Super Chia
- 58 Stage 4 Apples, Cinnamon, Yogurt & Oats
- 59 Stage 4 Apples, Mangos & Kale + Super Chia
- 60 Stage 4 Apples, Spinach, Peas & Broccoli + Super Chia
- 61 Stage 4 Apples, Sweet Potatoes, Carrots & Cinnamon + Super Chia
- 62 Stage 4 Bananas, Beets & Strawberries
- 63 Stage 4 Bananas, Beets, Squash & Blueberries
- 64 Stage 4 Bananas, Blueberries, Yogurt & Oats
- 65 Stage 4 Bananas, Carrots & Strawberries
- 66 Stage 4 Bananas, Dragonfruit, Coconut milk & Oats + Super Chia
- 67 Stage 4 Bananas, Mangos & Spinach
- 68 Stage 4 Bananas, Peaches & Mangos + Super Chia
- 69 Stage 4 Bananas, Spinach & Blueberries
- 70 Stage 4 Carrots, Bananas, Mangos & Sweet Potatoes
- 71 Stage 4 Pears, Bananas, Sweet Potato & Pumpkin + Super Chia
- 72 Stage 4 Pears, Beets & Blackberries
- 73 Stage 4 Pears, Beets & Blueberries + Super Chia
- 74 Stage 4 Pears, Blueberries & Spinach
- 75 Stage 4 Pears, Green Beans & Peas + Super Chia
- 76 Stage 4 Pears, Kiwi & Kale
- 77 Stage 4 Pears, Mangos & Spinach + Super Chia
- 78 Stage 4 Pears, Peaches, Pumpkin & Apples
- 79 Stage 4 Pears, Raspberries, Carrots & Butternut Squash
- 80 Stage 4 Spinach, Apples, Sweet Potatoes & Kiwi
- 81 Stage 4 Zucchini, Pears, Chickpeas & Kale

Cereals

D. Nurture Products

- 82 Oatmeal
- 83 Oats & Quinoa

Puffs

- 84 Apple & Broccoli
- 85 Banana & Pumpkin
- 86 Kale & Spinach
- 87 Purple Carrot & Blueberry
- 88 Strawberry & Beet
- 89 Sweet Potato & Carrot

Snacks

- 90 Creamies Apple, Spinach, Pea & Kiwi
- 91 Creamies Strawberry, Raspberry & Carrot
- 92 Greek Yogis Banana Mango
- 93 Greek Yogis Blueberry & Purple Carrot
- 94 Greek Yogis Mixed Berry
- 95 Greek Yogis Strawberry
- 96 Greek Yogis Strawberry Banana
- 97 Snackers Creamy Spinach & Carrot
- 98 Snackers Tomato & Basil
- 99 Teethers Apple, Carrot & Cinnamon Muffin
- 100 Teethers Blueberry & Purple Carrot
- 101 Teethers Mango & Pumpkin with Amaranth
- 102 Teethers Pancake & Waffle Mix
- 103 Teethers Pea & Spinach
- 104 Teethers Strawberry & Beet with Amaranth
- 105 Teethers Sweet Potato & Banana
- 106 Teethers Waffle/Muffin Mix

Bars

- 107 Apple + Cinnamon Fruit & Oat
- 108 Banana + Chocolate Fruit & Oat
- 109 Bananas & Carrots
- 110 Blueberry & Raspberry Fruit & Oat
- 111 Mango & Sweet Potato Fruit, Veggie & Oat
- 112 Raspberry & Butternut Squash Fruit, Veggie & Oat

Bowls

- 113 Beef & Quinoa Fiesta with vegetable Salsa
- 114 Cheese & Spinach Ravioli
- 115 Cheesy Lentils & Quinoa
- 116 Mac & Cheese

D. Nurture Products

- 117 Squash Ravioli
- 118 Turkey Bolognese
- 119 Veggies & Wild Rice with Mushrooms & Parmesan Bowl

Cookies

- 120 Cinnamon & Sweet Potato + Flaxseed Multi-grain
- 121 Vanilla Oat + Flaxseed Multi-grain

E. Plum Products

Pouches

- 1 Stage 1 Peaches
- 2 Stage 1 Sweet Potato
- 3 Stage 1 Mangos
- 4 Stage 1 Prunes
- 5 Stage 2 Pear, Blueberry, Avocado & Granola
- 6 Stage 2 Strawberry, Banana & Granola
- 7 Stage 2 Mango, Carrot & Coconut Cream
- 8 Stage 2 Butternut Squash, Carrot, Chickpea & Corn
- 9 Stage 2 Peach, Banana & Apricot
- 10 Stage 2 Sweet Potato, Apple & Corn
- 11 Stage 2 Apple & Carrot
- 12 Stage 2 Guava, Pear & Pumpkin
- 13 Stage 2 Apple, Spinach & Avocado
- 14 Stage 2 Apple, Raisin & Quinoa
- 15 Stage 2 Apple, Blackberry & Coconut Cream
- 16 Stage 2 Banana & Pumpkin
- 17 Stage 2 Apple, Raspberry, Spinach & Greek Yogurt
- 18 Stage 2 Pea, Kiwi, Pear & Avocado
- 19 Stage 2 Pear, Green Bean & Greek Yogurt
- 20 Stage 2 Pear & Mango
- 21 Stage 2 Peach, Pumpkin, Carrot & Cinnamon
- 22 Stage 2 Banana, Zucchini & Amaranth
- 23 Stage 2 Mango, Sweet Potato, Apple & Millet
- 24 Stage 2 Mango, Yellow Zucchini, Corn & Turmeric
- 25 Stage 2 Apple & Broccoli
- 26 Stage 2 Apple, Plum, Berry & Barley
- 27 Stage 2 Pear, Spinach & Pea
- 28 Stage 2 Apple, Cauliflower & Leek
- 29 Stage 2 Carrots, Beans, Spinach & Tomato
- 30 Stage 2 Pumpkin, Spinach, Chickpea & Broccoli
- 31 Stage 2 Kale, Corn, Carrot & Tomato
- 32 Stage 2 Pear, Purple Carrot & Blueberry
- 33 Stage 3 Carrot, Spinach, Turkey, Corn, Apple & Potato
- 34 Stage 3 Carrot, Sweet Potato, Corn, Pea, Chicken
- 35 Stage 3 Carrot, Chickpea, Pea, Beef & Tomato
- 36 Stage/Mighty 4 Banana, Blueberry, Sweet Potato, Carrot, Greek Yogurt & Millet
- 37 Stage/Mighty 4 Banana, Kiwi, Spinach, Greek Yogurt & Barley
- 38 Stage/Mighty 4 Banana, Peach, Pumpkin, Carrot, Greek Yogurt & Oats
- 39 Stage/Mighty 4 Guava, Pomegranate, Black Bean, Carrot & Oat
- 40 Stage/Mighty 4 Mango, Pineapple, White Bean, Butternut Squash & Oats
- 41 Stage/Mighty 4 Pear, Cherry, Blackberry, Strawberry, Black Bean, Spinach & Oats
- 42 Stage/Mighty 4 Strawberry Banana, Greek Yogurt, Kale, Oat & Amaranth

E. Plum Products

- 43 Stage/Mighty 4 Sweet Potato, Banana & Passion Fruit, Greek Yogurt & Oats
- 44 Mighty Morning Banana, Blueberry, Oat, Quinoa
- 45 Mighty Protein & Fiber Banana, White Bean, Strawberry & Chia
- 46 Mighty Protein & Fiber Pear, White Bean, Blueberry Date & Chia
- 47 Mighty Veggie Carrot, pear, Pomegranate & Oats
- 48 Mighty Veggie Spinach, Grape, Apple & Amaranth
- 49 Mighty Veggie Sweet Potato, Apple, Banana & Carrot
- 50 Mighty Veggie Zucchini, Apple, Watermelon & Barley

Super Puffs

- 51 Apple with Spinach
- 52 Blueberry with Purple Sweet Potato
- 53 Mango with Sweet Potato
- 54 Strawberry with Beet

Teethers

- 55 Apple with Leafy Greens
- 56 Banana with Pumpkin
- 57 Blueberry

Bars

- 58 Almond Butter
- 59 Apple Cinnamon
- 60 Apple Cinnamon & Oatmeal Bar
- 61 Blueberry
- 62 Blueberry & Oatmeal Bar
- 63 Blueberry Lemon
- 64 Jammy Sammy
- 65 Mighty Snack bars
- 66 Peanut Butter
- 67 Peanut Butter & Grape Bar
- 68 Peanut Butter & Strawberry Bar
- 69 Pumpkin Banana
- 70 Strawberry

Mashups

- 71 Applesauce Blueberry Carrot
- 72 Applesauce Carrot & Mango
- 73 Applesauce Strawberry & Banana
- 74 Applesauce Strawberry & Beet

Teensy Snacks

- 75 Berry

E. Plum Products

76 Peach

F. Sprout Products

Pouches

- 1 Toddler Apple with Apricot & Strawberry
- 2 Toddler Berry Grape
- 3 Toddler Blueberry Banana
- 4 Toddler Peach
- 5 Toddler Strawberry
- 6 Toddler Strawberry and Banana with Squash
- 7 Toddlers Butternut Squash with pineapple and Papaya
- 8 Toddlers Green Veggies
- 9 Toddlers Kiwi with Super blend banana & spinach
- 10 Toddlers Purple Carrot, Strawberry & Grape
- 11 Toddlers Sweet potato Peach & Carrots
- 12 Stage 2 Apple Banana, Butternut Squash
- 13 Stage 2 Apple Blueberry
- 14 Stage 2 Apple, Oatmeal Raisin with Cinnamon
- 15 Stage 2 Apricot Peach, Pumpkin
- 16 Stage 2 Apricot, Banana, Chickpea Fig
- 17 Stage 2 Blueberry, Banana Oatmeal
- 18 Stage 2 Butternut Blueberry Apple with Beans
- 19 Stage 2 Butternut, Carrot & Apple with Beef Broth
- 20 Stage 2 Carrot Chickpeas, Zucchini Pear
- 21 Stage 2 Carrot, Apple, Mango
- 22 Stage 2 Mixed Berry Oatmeal
- 23 Stage 2 Peach Oatmeal with Coconut Milk & Pineapple
- 24 Stage 2 Pear, Kiwi, Peas, Spinach
- 25 Stage 2 Strawberry, Apple, Beet, Red Beans
- 26 Stage 2 Strawberry, Pear, Banana
- 27 Stage 2 Sweet Potato, Apple, Spinach
- 28 Stage 2 Sweet Potato, White Beans with Cinnamon
- 29 Stage 2 Vegetables & Pear with Chicken Broth
- 30 Stage 3 Butternut Chickpea Quinoa Dates
- 31 Stage 3 Creamy Vegetables with Chicken
- 32 Stage 3 Garden Vegetables Brown Rice with Turkey
- 33 Stage 3 Harvest Vegetables Apricot with Chicken
- 34 Stage 3 Market Vegetable Pear with Turkey
- 35 Stage 3 Pumpkin Apple Red Lentil with Cinnamon
- 36 Stage 3 Root Vegetables Apple with Beef
- 37 Stage 3 Sweet Pea Carrot Corn White Bean

Toddler Meals

- 38 Baby Burrito Bowl
- 39 Butternut Mac & Cheese
- 40 Pasta with Veggie Sauce

F. Sprout Products

41 Veggie Power Bowl

Puffs

42 Apple Kale Power Puffs

43 Carrot Peach Mango Plant

Snacks

44 Crinkles Cheddar and Spinach

45 Crinkles Pumpkin and Carrot

46 Crispy Chews Apples & Strawberry

47 Crispy Chews Beet & Berry

48 Crispy Chews Orchard Fruit & Carrot

49 Curlz Broccoli

50 Curlz Sweet Potato & Cinnamon

51 Curlz White Cheddar Broccoli

52 Wafflez Blueberry Apple

53 Wafflez Pumpkin Butter & Jelly

G. Walmart Products

Jars and Tubs

- 1 Stage 1 Apple Baby Food
- 2 Stage 1 Banana Food
- 3 Stage 1 Butternut Squash Baby Food
- 4 Stage 1 Carrot Baby Food
- 5 Stage 1 Natural Apple Baby Food
- 6 Stage 1 Pear Baby Food
- 7 Stage 2 Apple Strawberry Baby Food
- 8 Stage 2 Banana Baby Food
- 9 Stage 2 Butternut Squash Pineapple Baby Food
- 10 Stage 2 Sweet Potato Baby Food

Pouches

- 11 Apple
- 12 Banana
- 13 Banana Berry Burst
- 14 BBQ Seasoned Chicken Roasted Corn
- 15 Berry & Oats
- 16 Blueberry Apple Yogurt
- 17 Blueberry Kale Rice
- 18 Butternut Squash
- 19 Carrot Zucchini Broccoli
- 20 Cheesy Potato
- 21 Chicken Noodle
- 22 Green Bean
- 23 Macaroni and Cheese
- 24 Mango Banana Kale
- 25 Organic Pear
- 26 Pea White Chicken
- 27 Root Veggies Apple
- 28 Strawberry Banana Yogurt
- 29 Strawberry Carrot Quinoa
- 30 Strawberry Yogurt
- 31 Sweet Potato Apple Grape
- 32 Sweet Potato Cinnamon
- 33 Sweet Potato Turkey
- 34 Tropical Burst

Puffs

- 35 Banana Puffs
- 36 Blueberry Puffs
- 37 Peach Mango Puffs
- 38 Strawberry Apple Puffs

G. Walmart Products

- 39 Strawberry Yogurt Puffs
- 40 Sweet Potato Puffs

Snacks

- 41 Blueberry Rice Rusks
- 42 Organic Apple Rice Rusks
- 43 Organic Banana Rice Rusks
- 44 Organic Strawberry Rice Rusks

Yogurt Bites

- 45 Banana Yogurt Bites
- 46 Cherry Vanilla Yogurt Bites
- 47 Mixed Berry Yogurt Bites
- 48 Peach Yogurt Bites
- 49 Strawberry Yogurt Bites